

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.250 of 2021

Arising Out of PS. Case No.- Year-0 Thana- District- Nalanda

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RANJEET RANJAN GUPTA S/O LATE RAJ KUMAR PRASAD R/O HARI
NIKETAN, MOHALLA-JHING NAGAR, P.S.-BIHARSHARIF, DISTRICT-
NALANDA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE HOME SECRETARY, GOVT.
OF BIHAR, PATNA.
2. THE DIRECTOR GENERAL OF POLICE, BIHAR, PATNA.
3. THE DISTRICT MAGISTRATE, NALANDA.
4. THE SUPERINTENDENT OF POLICE, NALANDA.
5. THE SUB DIVISIONAL OFFICER, BIHARSHARIF SADAR,
NALANDA.
6. THE SUB DIVISIONAL POLICE OFFICER, BIHARSHARIF SADAR,
NALANDA.
7. THE CIRCLE OFFICER, BIHARSHARIF SADAR, NALANDA.
8. THE OFFICER-IN-CHARGE, BIHARSHARIF P.S., DISTRICT-
NALANDA.
9. PRAVEEN KRISHNA S/O LATE ARVIND KRISHNA R/O MOHALLA-
JHING NAGAR, P.O AND P.S.-BIHARSHARIF, DISTRICT-NALANDA.
10. SUDARSHAN KRISHNA S/O LATE ARVIND KRISHNA R/O
MOHALLA-JHING NAGAR, P.O AND P.S.-BIHARSHARIF, DISTRICT-
NALANDA.
11. SUJEET KRISHNA S/O LATE ARVIND KRISHNA R/O MOHALLA-
JHING NAGAR, P.O AND P.S.-BIHARSHARIF, DISTRICT-NALANDA.
12. MD. SHAHREYAR ALAM @ DAMFUL S/O SAHEB ALAM @ NAKTA
MIYAN R/O MOHALLA-BADI DARGAH, P.O AND P.S.-
BIHARSHARIF, DISTRICT-NALANDA.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
For the Respondent/s : Mr. Manish Kumar GP 4

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 18-09-2023

1. Heard the parties.

2. The petitioner has filed the present writ application



for a direction seeking security and protection from the respondents authorities in order to manage his property situated at Mohalla – Jhing Nagar, P.O. & P.S.- Biharsharif, District-Nalanda having Khata Nos. 217, 221 and 183, Plot Nos. 596, 598, 599, 597, 600 and 356 measuring an area of 1 Acre and 31 decimals.

3. Learned counsel for the petitioner submits that property in question belongs to joint family of the petitioner which was purchased by the ancestors of the petitioner by registered sale deed dated 07.03.1983 from one Lilawati Devi. The vendor of the petitioner – Lilawati Devi had purchased the property in question from the ex-landlord through Bandobashti Dwami in the year 1946. The contention of the petitioner is that the private respondents are disturbing the petitioner in peaceful enjoyment of his property.

4. Learned counsel for the State referring to the counter affidavit filed on behalf of the respondent nos. 3, 5 & 7 submits that the petitioner had approached Civil Court by filing Title Suit No. 94 of 1992 for declaration of his right, title and interest on the property in question in which the respondents herein were made defendants. The Title Suit was decided in favour of the petitioner and his family members however a title



appeal was filed by the side of the private respondents bearing Title Appeal No. 11 of 2015, which is still pending before the learned District Appellate Court. A proceeding under Section 144 Cr.P.C. was also initiated between the parties by the Sub Divisional Magistrate, Biharsharif in Case No. 133(M) of 2019. Referring to Annexure-‘A’ to the counter affidavit, learned counsel submits that the land in question at Khata No. 224 & 183 pertaining to Khesra No. 596, 597, 598, 599, 600, 356 are recorded in the Khatian as Gairmazarua Malik Makan. The petitioner has filed the Title Suit without making the State authorities as defendant and after coming to know about the Title Suit being filed and contested by the petitioner and private respondents, the State-respondents are taking necessary steps for claiming their right upon the property in question. Accordingly, submission is that it is out and out a land dispute which has been brought before this Court under its extra ordinary writ jurisdiction.

5. I have heard learned counsel for the parties and perused the material on record. Upon perusal of the fact involved in this case it is apparent that Title Suit has been filed pertaining to the land which the petitioner has claimed that he has purchased from one Lilawati Devi. The private respondents



have also contested the claim of the petitioner and has filed Title Appeal which is still pending. State is also intending to put their claim upon the land in question. Accordingly, I come to the conclusion that the present case arises out of a pure civil dispute between the parties including the State of Bihar. As such, I do not find any merit in this application.

6. The application stands dismissed.

(Anil Kumar Sinha, J)

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