

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1014 of 2021

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

PRAMOD KUMAR SINGH S/o- Ramraj Singh Resident of village and P.O. -
Narikhurd, P.S. - Tisiauta, District - Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Director General Of Police, Bihar
2. The Director General of Police, Bihar, Patna. Bihar
3. The Superintendent of Police, Vaishali at Hazipur. Bihar
4. The Deputy Superintendent of Police, Mahua, Vaishali. Bihar
5. The officer - In- charge of Police Station Tisiauta, Vaishali. Bihar

..... Respondent 1st set

6. Chanda Devi W/o Ram Pravesh Paswan Resident of village and P.O. - Nari Khurd, P.S. - Tisiauta, District - Vaishali.
7. Sarawati Devi W/o Shivji Paswan Resident of village and P.O. - Nari Khurd, P.S. - Tisiauta, District - Vaishali.
8. Vijay Kumar singh son of Ramraj Singh Resident of village and P.O. - Nari Khurd, P.S. - Tisiauta, District - Vaishali.
9. Ajay Kumar Singh son of Ramraj Singh Resident of village and P.O. - Nari Khurd, P.S. - Tisiauta, District - Vaishali.
10. Sanjay Kumar Singh Son of Ramraj Singh Resident of village and P.O. - Nari Khurd, P.S. - Tisiauta, District - Vaishali.
11. Shambhu Singh S/O Ganga Singh Resident of village and P.O. - Nari Khurd, P.S. - Tisiauta, District – Vaishali.

..... Respondent 2nd set

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Ranjan, Advocate
For the Respondent/s	:	Mr.M. Nasrul Huda Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 5 | 26-09-2023 | 1. | Heard the parties. |
| | | 2. | The case of the petitioner, as stated in writ |



application, is that the petitioner filed a case bearing case no. 1148 of 2014 under Section 144 Cr.P.C., before the learned Sub-Divisional Magistrate, Mahua pertaining to Khata no. 495, Khesra no. 1969 and 1970 having an area 26 decimal and Khata no. 19, Khesra no. 937, area 6-1/2 decimal against respondent no. 7 namely Saraswati Devi. Thereafter, an inquiry report was called for by learned Sub-Divisional Magistrate, Mahua vide Memo no. 112/15 dated 10.02.2015 and in pursuance thereof, inquiry report was submitted by A.S.I. Tisiauta, District-Vaishali vide Memo no. 165/2015 dated 26.02.2015. From the inquiry report, it appears that petitioner and private respondents no. 8, 9 and 10 are own brothers whereas respondent no. 11 i.e. Shambhu Singh, s/o Ganga Singh is their cousin brother. Private respondents no. 8, 9 and 10 transferred 6-1/2 decimals of land to respondent no. 6 namely Chanda Devi by a registered sale deed dated 05.03.2012. Private respondent no. 11, by a registered sale deed, sold the land bearing Khata no. 495, Khesra no. 1969 & 1970, area 26 decimal to respondent no. 7 on 17.04.2014 for a consideration amount of Rs. 5,50,000/-.

3. Learned counsel for the petitioner submits that the police is not taking any action despite the fact that the S.D.M. Mahua gave direction to the Officer-in-charge to continuously



monitor the land and maintain peaceful environment but the police are supporting private respondent- 2nd set, due to which the petitioner has filed representation before the Superintendent of Police, Hazipur vide Annexure-4 dated 18.04.2019 and also before the Bihar Human Rights Commission vide Annexure-5 dated 02.08.2019. He further submits that the Assistant Registrar of B.H.R.C., vide letter dated 16.09.2019 (Annexure-6), directed the Superintendent of Police, Vaishali to make an inquiry and take action as per law but till date, no action has been taken. He next submits that the petitioner has filed title suit bearing T.S. no. 330 of 2015 on 16.04.2015 against respondent no. 8 and others and vide order dated 30.04.2015, proceeding under Section 144 Cr.P.C. was converted into 145 Cr.P.C.

4. Learned counsel for the State, by referring to counter affidavit, submits that a report dated 13.09.2021 was submitted by the S.H.O., Tishiauta, from which, it appears that the land bearing Khata no. 495, Khesra no. 1969 & 1970 having an area of 26 decimal and Khata no. 19, Khesra no. 937, area 6-1/2 decimal are under constant vigil of Mahal Chaukidar and effective steps are being taken to maintain peace and tranquility and to protect life and property of the petitioner. He



further submits that it appears that the land is in physical possession of Santlal Paswan, Hari Kishun Paswan and Ram Pravesh Paswan, who are purchasers from respondent no. 11 and dispute with regard to the same is pending in the Court. He next submits that the petitioner has also filed a Title Suit no. 330 of 2015 in connection with the land in question, which is still pending for adjudication, hence the petitioner may not be permitted to pursue two parallel remedies and may seek his remedy in a proceeding pending before the Civil Court.

5. I have heard the learned counsel for the parties and perused the materials on record. There appears to be land dispute between petitioner and private respondents, who are brothers, cousin brothers, purchasers and are closely related. A title suit has been filed by the petitioner, which is still pending. A counter affidavit has been filed by Deputy Superintendent of Police, Mahua, Vaishali, in which he has made a statement that there is a land dispute between the parties and the police has taken effective measures to maintain peace and tranquility to protect life and property of the parties.

6. Accordingly, I am of the opinion that the private dispute between the parties has been brought before this Court in its extraordinary criminal writ jurisdiction, as such, no



specific direction would be required to be issued to the respondents in this regard, hence the present writ application stands dismissed.

(Anil Kumar Sinha, J)

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