

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1293 of 2021

Arising Out of PS. Case No.-171 Year-2017 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. KARI SINGH Son of Late Debu Singh Resident of village and Circle - Cheriya Bariyarpur, Sub-division - Manjhaul, District - Begusarai, Pin - 851132.
 2. Sunil Kumar Singh Son of Kari Singh Resident of village and Circle - Cheriya Bariyarpur, Sub-division - Manjhaul, District - Begusarai, Pin - 851132.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Govt. of Bihar at Patna
2. The Director General of Police, Govt. of Bihar at Patna
3. District Magistrate Begusarai at Begusarai.
4. The Superintendent of Police, Begusarai at Begusarai.
5. The Sub-divisional Magistrate/ Sub-Divisional officer Manjhaul, District - Begusarai.
6. The Station House Officer (S.H.O.), P.S.- Cheriya Bariyarpur, District - Begusarai.
7. Manoj Singh Son of Late Kapildeo Singh Resident of village, P.S. and Circle - Cheriya Bariyarpur, Sub-division - Manjhaul, District - Begusarai, Pin - 851132.
8. Shivdani Singh Son of Late Kapildeo Singh Resident of village and Circle - Cheriya Bariyarpur, Sub-division - Manjhaul, District - Begusarai, Pin - 851132.
9. Awadesh Singh Son of Late Kapildeo Singh Resident of village and Circle - Cheriya Bariyarpur, Sub-division - Manjhaul, District - Begusarai, Pin - 851132.
10. Sanoj Singh Son of Late Kapildeo Singh Resident of village and Circle - Cheriya Bariyarpur, Sub-division - Manjhaul, District - Begusarai, Pin - 851132.
11. Rinku Devi Wife of Sanoj Singh Resident of village and Circle - Cheriya Bariyarpur, Sub-division - Manjhaul, District - Begusarai, Pin - 851132.
12. Sunita Devi Wife of Awadesh Singh Resident of village and Circle - Cheriya Bariyarpur, Sub-division - Manjhaul, District - Begusarai, Pin - 851132.
13. Manju Devi Wife of Manoj Singh Resident of village and Circle - Cheriya Bariyarpur, Sub-division - Manjhaul, District - Begusarai, Pin - 851132.
14. Anita Devi Wife of Shivdani Singh Resident of village and Circle - Cheriya Bariyarpur, Sub-division - Manjhaul, District - Begusarai, Pin - 851132.
15. Amit Kumar @ Sonu Son of Awadesh Singh Resident of village and Circle - Cheriya Bariyarpur, Sub-division - Manjhaul, District - Begusarai, Pin - 851132.



16. Krishna Kumar @ Monu Son of Awadesh Singh Resident of village and Circle - Cheriya Bariyarpur, Sub-division - Manjhaul, District - Begusarai, Pin - 851132.
17. Ajit Kumar Singh Son of Shivdani Singh Resident of village and Circle - Cheriya Bariyarpur, Sub-division - Manjhaul, District - Begusarai, Pin - 851132.
18. Gopal Kumar Son of Shivdani Singh Resident of village and Circle - Cheriya Bariyarpur, Sub-division - Manjhaul, District - Begusarai, Pin - 851132.
19. Himanshu Kumar Son of Sanoj Singh Resident of village and Circle - Cheriya Bariyarpur, Sub-division - Manjhaul, District - Begusarai, Pin - 851132.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shrinandan Prasad Singh, Sr. Adv. Mr. Sanjay Kumar, Adv. Mr. Atul Prakash, Adv.
For the Respondent/s	:	Mr. Manish Kumar Mr. Deepak Kumar, AC to GP 4

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 31-08-2023 1. The petitioners have filed the present writ application for a direction to the Police authority to protect the property and life of the petitioners which is at stake at the hands of the private respondents, who are disturbing the petitioners in peaceful enjoyment of their property. The petitioners claim to be the owner of a piece of land situated in Mauza- Shripur, Khata No. 1040, Plot No. 1165 having an area of 02 Katha through registered sale deed executed on 10.02.1996. On 12.07.1996 the petitioners were forcibly dispossessed of their land by the private respondents claiming that they had purchased 03 Katha of land appertaining same Khata and Plot on 07-06-1996. Title



Suit. No. 135 of 1996 was filed by the petitioners with a prayer for declaring their sale deed dated: 10-02-1996 as valid and genuine document and for setting aside the sale deed dated-07/06/1996 executed in favour of the private respondents as forged and fabricated. A decree was passed in favour of the petitioners on 27-02-2006 in the aforesaid T.S. No. 135 / 1996. Title Appeal preferred against the said decree bearing Title Appeal No. 08 of 2006 was dismissed. In 2015 the petitioners filed an execution case bearing Execution Case No. 09 of 2015 and on 12-03-2016 delivery of possession was given in favour of the petitioners but when the petitioners started constructing boundary wall on 05-02-2021 the private respondents started obstructing and disturbing the petitioners and threatened them of dire consequences.

2. Learned senior counsel for the petitioners submits that the petitioner no.-1 is 93 years old and the petitioner no. 2 is his son. He further submits that despite several representations submitted before the police authorities including the S.P. & D.M., Begusarai, no steps have been taken by them to protect the right of property of the petitioners.

3. Learned counsel for the State referring to paragraph 21 of the counter affidavit submits that petitioners may approach



the Police authorities and the Police authorities may deploy Police personnel for construction of boundary wall.

4. Having heard learned counsel for the parties, taking into consideration the fact that the land in question has been declared to be the property of the petitioners by judicial authority and the private respondents after having lost in appeal and in other forums are disturbing the petitioners in protecting their property by erecting boundary wall, accordingly, I direct the respondent no. 4 - Superintendent of Police, Begusarai to ensure protection of property of the petitioners and to deploy Police personnel if required at the time of construction of boundary wall by the petitioners on the land in question. The petitioners may approach the S.P., Begusarai within a period of two weeks from today with a copy of this order and the S.P., Begusarai is directed to look into the matter and whatever help in accordance with law is needed, the S.P., Begusarai shall be obliged to provide to the petitioners.

5. With the aforesaid observation and direction, this writ application is disposed of.

(Anil Kumar Sinha, J)

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