

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.6 of 2023

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

Prakash Charlie Sinha, Son of Late Sheo Narain Sinha, Resident of A/200, Opposite Jai Prabha Blood Bank, P.C. Colony, Kankarbagh, P.S.- Lohia Nagar, District - Patna, At present resides at 105 West 29th Street, New York, NY10001, U.S.A. Represented through Mr. Binit Kumar (Advocate), Aged about 49 years (Male), S/o Late Abhay Kumar Singh, R/o Adarsh Colony, Patel Nagar, Road No.- 5, Patna - 23, P.S.- Shastrinagar

... .. Petitioner

Versus

1. The State of Bihar
2. Director General of Police, Bihar, Patna.
3. The Principal Secretary, Home, Government of Bihar, Patna.
4. The District Magistrate, Patna.
5. The Senior Superintendent of Police, Patna
6. The Town Superintendent of Police, Patna.
7. The Officer-in-charge, Kankarbagh, Police Station, Patna.
8. Om Prakash Singh, Son of Late Ram Narayan, Resident of Village - Munglichak, P.S.- Parsa Bazar, District - Patna, Illegal occupant of House No.- A/200, P.C. Colony, P.S.- Kankarbagh, District - Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Ashok Kumar Choudhary, Senior Advocate Mr. Raj Kishor Prasad, Advocate
For the State	:	Mr. Iqbal Asif Niazi, AC to GP-5
For the Resp No. 8	:	Mr. Aditya Nath Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-10-2023 Head Mr. Ashok Kumar Choudhary, learned Senior Counsel assisted by Mr. Raj Kishore Prasad, learned counsel for the petitioner, Mr. Aditya Nath Pandey, learned counsel for the respondent no. 8 and Mr. Iqbal Asif Niazi, learned AC to GP-5 for the State.

2. The petitioner in the present writ application is seeking a writ in the nature of Mandamus commanding the



Police Administration of the district of Patna to ensure that the respondent no. 8 vacates the house of the petitioner at House No. A/200, P.C. Colony, P.O.- Lohia Nagar, P.S.- Kankarbagh, District- Patna.

3. It is an admitted position that the petitioner and the respondent no. 8 are cousin brothers. They are also fighting a suit bearing Title Partition Suit No. 12 of 2018 which is pending in the court of learned Sub-Judge IV, Patna. The property in question was sought to be brought within the purview of the said suit by the plaintiff but on an application filed on behalf of the petitioner side, the learned Sub-Judge IV, Patna has vide order dated 23.09.2022 directed to delete this property from the title partition suit and declared that this property is the Stree Dhan of the mother of the petitioner. This order dated 23.09.2022 is under challenge in this Court in Civil Miscellaneous Case No. 796 of 2022.

4. Learned Senior Counsel for the petitioner submits with reference to the statements made in paragraph '15' of the writ application that this petitioner is living in the United States of America (USA) and Mrs. Gunjan Pinky Sinha is living in Germany. It is the case of the petitioner that taking advantage of this situation, the respondent no. 8 has illegally occupied the



property of the petitioner which is the exclusive property of his mother Late Pramila Sinha.

5. Learned counsel for the respondent no. 8 has opposed this writ application. It is submitted that in the nature of the dispute between the parties, this Court sitting under Article 226 of the Constitution of India in its criminal writ jurisdiction may not like to interfere and take up the issue for consideration.

6. Having regard to the facts and circumstances and the pleadings available on the record, this Court is of the considered opinion that it would not be appropriate for this Court to entertain a criminal writ petition for the kind of reliefs prayed on behalf of the petitioner. The remedy of the petitioner lies in the private Law domain, hence, the present writ application as framed cannot be entertained.

7. This writ application is dismissed with liberty to the petitioner to seek his remedy before appropriate court/forum in appropriate jurisdiction.

(Rajeev Ranjan Prasad, J)

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