

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1142 of 2020

Md. Neeshat Ali Son of Late Md. Shaukat Ali, Resident of Mohalla-Madarsapara, Sitarampur, Amdiha, P.S.-Bardhaman, District-Bardhaman (West Bengal), at Present resident of Village-Dhamaul, P.S.-Kurtha, District-Arwal, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home (Police), Bihar, Patna.Arwal.
2. The Superintendent of Police, Arwal, District-Arwal.
3. The Sub-Divisional Officer, Arwal, District-Arwal.
4. The Sub-Divisional Officer, Arwal, District-Arwal.
5. The Circle Officer, Kurtha, District-Arwal.
6. The S.H.O., Kurtha Police Station, District-Arwal.
7. Kameshwar Paswan Son of Late Bhageran Paswan Resident of Village-Dhamaul, P.S.-Kurtha, District-Arwal.
8. Aurajdeo Paswan Son of Late Bhageran Paswan, Resident of Village-Dhamaul, P.S.-Kurtha, District-Arwal.
9. Ajay Paswan Son of kameshwar Paswan Resident of Village-Dhamaul, P.S.-Kurtha, District-Arwal.
10. Tarun Paswan Son of Naresh Paswan Resident of Village-Dhamaul, P.S.-Kurtha, District-Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Fakhruddin Ali Ahmad
For the Respondent/s : Mr.Sheo Shankar Prasad (Sc8)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

9 09-10-2023 Heard learned counsel for the petitioner and the State.

2. Present writ petition has been filed for a direction to the respondents to provide safety and security to his life and property of the petitioner and his family members. It is also prayed for a direction to the respondent authorities to act in light of order dated 29.8.2018, passed in Case No. 76 of 2018 under



section 144 CrPC by the SDO, Arwal.

3. Learned counsel appearing for the petitioner submits that Respondents no. 6 to 10 have greedy eye over the land of the petitioner mentioned in paragraph 4 of the writ petition. They used to destroy the crops and create hindrance in cultivation and they demand extortion/levy.

4. Learned counsel for the State has filed counter affidavit. It is stated that the claim of the petitioner is concerned with title and possession over the land in question for which he may move to the civil court of competent jurisdiction, as such, writ petition is not tenable. Further, for the allegation of extortion, petitioner may seek remedy through the criminal proceedings. It is also stated that a proceeding under section 144 CrPC has also been initiated in the matter.

5. Considering the rival submissions of the parties, this Court is of the view that sufficient action has already been taken against the respondents to restrain them from making encroachment of petitioner's land. However, if the petitioner still has any grievance with respect to his life and property, he may file a fresh application before the SP, Arwal who in turn shall examine the same and pass appropriate order in accordance with law.



6. Writ petition stands disposed of with the aforesaid directions.

(Prabhat Kumar Singh, J)

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