

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.760 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

Md. Idrish Son of Late Sobrati Mian, Resident of Village- Baswaria, Police Station- Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Home Secretary, Police, Bihar, Patna
2. The District Magistrate, Bettiah, West Champaran.
3. The Superintendent of Police, Bettiah, West Champaran.
4. The S.D.O., Bettiah, West Champaran.
5. Himanshu Raj @ Bittu Son of Late Baleshwar Prasad Srivastav,
6. Jitendra Prasad Srivastav, Son of Late Baleshwar Prasad Srivastav, Both are Resident of Village/Mohalla- Bhagwati Cinema Road, Marwari Mohalla, Ward No. 15, P.S. Shikarpur, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ram Kishun Prasad, Advocate
For the Respondent No.5:		Ms.Vagisha Pragya Vacaknavi , Advocate
		Mr.Sanjeev Kr. Srivastava, Advocate
For the State	:	Mr.Arvind Kumar, AC to GA 9

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 13-02-2024 Having heard the learned Advocate for the petitioner, learned Advocate for the Respondent No. 5 and learned Advocate for the State.

2. It appears to this Court that the instant writ petition is not maintainable because primary relief has been sought for against the Respondent No. 5, who is a private party.

3. The case of the petitioner is that he purchased a piece of land in the joint property originally belonging to his vendor and Respondent No. 5. The property has not been



partitioned. A civil suit for partition is pending between the parties. In the said civil suit, the petitioner has already been impleaded. Therefore efficacious relief is available only by getting decree in the civil suit.

4. The Writ Court cannot grant any relief against a private party.

5. The learned Advocate for the petitioner has referred to an order passed in Case No. 1378 of 2015 being a proceeding under Section 145 of the Cr.P.C. vide order dated 4th of July, 2020. The learned Executive Magistrate also cannot pass any order against the private respondents granting possession in favour of the petitioner.

6. In view of such circumstances, I find that the instant writ petition is not maintainable and accordingly the same is dismissed.

(Bibek Chaudhuri, J)

uttam/-

U			
---	--	--	--

