

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3443 of 2024

Sanjay Prasad Singh Son of Late Jagarnath Prasad Singh R/V- Lauwa Kala,
P.S.- Baniyapur, District- Saran, At present residing at R/O- 145 Shubham
House, Vishveshraiya Nagar, Near Bihar Farmacy College- P.S.- Rupaspur,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Chief Secretary, Department of Home, Government of Bihar,
Patna.
3. The District Magistrate Chhapra/ Saran, Bihar.
4. The Superintendent of Police, Chhapra/ Saran
5. The Sub-Divisional Magistrate, (Sadar), Chhapra.
6. The D.Y.S.P., Sadar Chhapra.
7. The Circle Officer, Baniyapur (Saran).
8. The Officer in Charge, Police Station, Baniyapur (Saran).
9. Shyam Sundar Prasad Sing @ Alok Kumar Singh @ Binay Raj S/O Krishna
Kant Prasad Singh R/O- Lauwa Kala, P.S.- Baniyapur, District- Chhapra,
Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Singh, Sr. Advocate Mr.Rajesh Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Sarvesh Kr. Singh, AAG-13 Mrs.Sunita Kumari, AC to AAG-13
For Resp. No.9	:	Mr.Rakesh Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 01-07-2024

1. The present writ petition has been filed seeking
the following relief(s):-

*“1(i) For a direction to the respondents
authorities to protect the property of the
petitioner, situated at Mauza-Lauwa Kala,
Thana No.64 Tauzi No.673, 948, Khata No.490,
Survey Plot No.2030, Area-1 Katha, having it's
boundary:*



North: Krishnakant Prasad Singh

South: Nahar

East: Road

West: Ramjanam Singh;

and to maintain law and Order, under right to property which is constitutional Right under Article-300(A) of the Constitution of India With regard to the land which has been purchased by the petitioner from his earnest money in the year 2001 itself through registered sale deed over which three stories building has also been constructed by the petitioner which building has been given lease for 30 years in the name of Renu Singh Jhalkhu Roy Higher Secondary School Lauwa Bedauli, Baniyapur, P.S.- Baniyapur, District- Chhapra (saran) which has been coming in peaceful possession of the petitioner but on 26.11.2023 the Pvt. Respondent No.12 with other un-social element has by forcibly locked the building on the ground that it is his property without any valid document more over F.I.R has been lodged by the School as the building in Question, office of school is running and by the order of Sub- Divisional Magistrate, Sadar Chhapra, the building has been un-locked on 2.01.2024 but again the Pvt. Resp. No.8 has come on 4.01.2024 with other several unsocial element having arms with deadly weapon abused and ousted to the school staffs and again by forcibly locked the Building of the petitioner



in which office of school is running for which the principal of the School made complain to all official Respondent No.3 to 7 but none of them had taken heed which are not sustainable in the eye of law which requires interference of this Hon'ble court.

(ii) Further for a direction to the Respondent authorities to take legal action against the responsible official as well as against the Pvt. respondent no.8 who has reiterated / taken the law in his hand having stood himself over and above the law.”

2. Admittedly, according to the petitioner and the respondents, including the private respondent no.9, there is a serious civil dispute involved in the present case and the lis involved in the present case is pending adjudication in a title suit, bearing Title Suit No.705 of 2024, filed by one of the daughter of the petitioner in which the petitioner and the private respondent no.9 are also parties and the same is still pending consideration, before the learned Civil Court at Chhapra, hence the learned counsels for the parties submit that the parties be granted liberty to approach the learned Civil Court, so that they can prosecute the aforesaid title suit in question, in accordance with law, however, at this juncture, the learned senior counsel for the petitioner submits that since admittedly, the possession of the



land/building in question, constructed over the land appertaining to Khata No.490, Survey Plot No.2030, Area-1 Katha, situated at Mauza-Lauwa Kala, Thana No.64, Tauzi No.673, 948, is with the petitioner, some protection be granted, till appropriate orders are passed in the suit proceedings.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to relegate the parties to prosecute the aforesaid Title Suit No.705 of 2024, pending before the learned Civil Court at Chhapra and during the interregnum period, status quo, existing as on today, qua the land/house of the petitioner in question, as aforesaid shall be maintained till the same is altered by the learned Civil Court at Chapra by passing of appropriate orders in the aforesaid Title Suit No. 705 of 2024.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

Saurav/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.07.2024
Transmission Date	NA

