

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3257 of 2024

=====

Dwarika Singh Son of Late Bharat Singh R/o Village-Kurmuri, P.S.-
Sikarhata, Block-Tarari, District-Bhojpur.Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Home (Police), Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Additional Chief Secretary, Department of Home (Police), Bihar, Patna.
4. The District Magistrate, District-Bhojpur.
5. The Superintendent of Police, Bhojpur.
6. The Sub-Divisional Officer, Piro, Bhojpur.
7. The Sub-Divisional Police Officer, Bhojpur.
8. The Circle Officer, Tarari, District-Bhojpur.
9. The Officer Incharge, Sikarhata Police Station, District-Bhojpur.
10. Kashi Singh Son of Late Daridwar Singh R/o Village-Kurmuri, P.S.-
Sikarhata, Block-Sikarhata, District-Bhojpur.
11. Radhey Shyam Singh @ Mantu Son of Kashi Singh R/o Village-Kurmuri,
P.S.-Sikarhata, Block-Sikarhata, District-Bhojpur.
12. Nand Bihari Singh @ Guddu Son of Kashi Singh R/o Village-Kurmuri, P.S.-
Sikarhata, Block-Sikarhata, District-Bhojpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Adv.
For the Respondent/s : Mr.Madhaw Pd. Yadaw, GP-23

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 02-09-2024 1. The present writ petition has been filed seeking the
following relief(s):-

*“1.(i) For issuance of a writ in the nature of
'Mandamus' directing the concerned respondents
to protect the valuable constitutional rights of the
petitioner to have property and enjoy the same
and restrain the private respondents from illegal*



interference over the house of the petitioner which was constructed about 35 years ago and now when the petitioner is constructing second floor of the house the private respondents are obstructing the construction of second floor with the active connivance with the local police authority and though the petitioner has represented before all the concerned authorities, the authorities have not acted in accordance with law.

(ii) For further providing protection to the petitioner so that he may construct second floor of his house and direct the local police authority not to act at the behest of the private respondents and obstruct the petitioner from constructing his second floor.

(iii) For further ensuring that the petitioner and his family is not harassed by the private respondent in connivance and collusion with the local authorities.

(iv) For further directing the concerned respondent authorities to take appropriate action against the private respondents on the representation of the petitioner so that he may be able to enjoy the benefit of the house in question on which he is being harassed by the private respondents due to illegal obstruction on the house of the petitioner in collusion with the local police authority by taking law in their hands and constantly threatening the petitioner of dire



consequences and though the petitioner approached all the competent authorities but they have not taken any appropriate action to ensure the safety of the life and property of the petitioner.”

2. At the outset, the learned counsel for the petitioner submits that even if the petitioner is required to be removed from the land in question, assuming for a moment that the land in question is a public land, he cannot be disturbed/removed, without the respondents taking recourse to the due process of law, for the said purpose, hence the respondents be directed not to interfere/disturb the possession of the petitioner over the land in question, till the time any competent forum/Court of law passes any adverse order against the petitioner. It is directed accordingly.

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

(Mohit Kumar Shah, J)

sonal/-

U			
---	--	--	--

