

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.509 of 2024

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

Kumari Jyoti Sahay, Daughter Of Dr. Ram Shankar Prasad Resident Of House
No 430, Jyoti Niketan, Road No. 6c, Rajendra Nagar, P.S. - Kadam Kuan,
District - Patna, Bihar

... .. Petitioner/S

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna Bihar
2. The Principal Secretary, Dept. Of Home Affairs, Govt. Of Bihar, Patna Bihar
3. The Deputy Inspector General Of Police, Patna, Bihar Bihar
4. The District Magistrate, Patna, Bihar Bihar
5. The Senior Superintendent Of Police, Patna, Bihar Bihar
6. The Officer-In-Charge, Police Station - Kadam Kuan, Patna, Bihar Bihar
7. Abhay Shankar Deokuliar Son Of Late Mr. Baban Prasad Resident Of House Of Dr. Ak Agarwal, Road No. 6c, Rajendra Nagar, P.S. - Kadam Kuan, District - Patna, Bihar - 800016

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar, Adv
For the Respondent/s : Mr.AG

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 01-04-2024 1. The petitioner has grievance not only against Private Respondent No. 7 but also against the Respondent No. 6, i.e., the Officer In-charge, Police Station- Kadam Kuan and other police officers attached to the said police station, to the effect that the said police officers and members of the police force attached to Police Station- Kadam Kuan assisted the Private Respondent No. 7, who is a rank trespasser and is in forcible possession of the ground floor of the house of the



petitioner.

2. It is also alleged that in spite of making a complaint, the police did not take any action against the private respondent. The private respondent has also removed household articles and other valuables of the petitioner from the ground floor of the subject building. Taking advantage of old age of the petitioner, the private respondent has taken over illegal possession of the ground floor of the subject building.

3. Having heard the learned Advocate for the petitioner and on perusal of the materials on record, this Court is of the view that even if the case of the petitioner is believed in its face value, efficacious relief of recovery of possession of the ground floor by the petitioner lies in filing a suit under Section 6 of the Specific Relief Act.

4. The learned Advocate for the petitioner draws my attention to Annexure P-3 being a complaint dated 9th of February, 2024 submitted by the petitioner to the Senior Superintendent of Police. It is pointed out by him that the petitioner has alleged that the said trespasser has been continuing his criminal activities, damaging her property and her several costly items and boxes have been removed and stolen by him. The said allegation is absolutely omnibus and



vague. Details of the alleged stolen property have not been stated in the said complaint dated 9th of February, 2024.

5. On the basis of such complaint/representation, it is not possible for the police to take any action against the Private Respondent No. 7 for theft of the property of the petitioner.

6. Therefore, I do not find any merit in the instant writ petition and accordingly, writ petition is summarily dismissed.

7. However, dismissal of the instant writ petition shall not dis-entitle the petitioner to file appropriate complaint against the wrong-doer before the Police Authority and on filing of such appropriate complaint, the Police Authority shall take necessary step in accordance with law.

(Bibek Chaudhuri, J)

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