

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.825 of 2017

Arising Out of PS. Case No.-491 Year-2007 Thana- KOTWALI District- Patna

Swaminath Singh under the guardianship of his Son of Tushant Singh appointed as guardian by the court of Additional resident of Mohalla East Boring Canal Road, Gorkhnath Singh Compound, Patna, P.S.- Kotwali, P.O.- G.P.O., P.S.- Kotwali, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Collector, Patna
2. The Senior Superintendent of Police, Patna.
3. The, Dy. S.P. Town, Patna.
4. The Officer, S.H.O. Kotwali, Police Station, Patna.
5. Chitranjan Kumar Singh, S/o Late Gorakhnath Singh, Resident of Mohalla- East Boring Canal Road, Gorakhnath Compound, Patna- P.O- G.P.O. P.S.- Kotwali, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Dubey, Advocate Mr.Kumar Gaurav, Advocate
For the Respondent/s	:	Dr.Mankeshwar, AC to AAG 3
For the Private Respondent:		Mr.J.S Arora, Sr. Advocate Mr.Gaurav Pratap, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

9 13-02-2024 1. Having heard the learned Advocate for the petitioner, learned Advocate on behalf of the private respondent and the learned Advocate for the State and on careful perusal of the entire material on record, it appears to this Court that the dispute between the parties is civil in nature.

2. The allegation of the petitioner is that Private Respondent No. 5 locked his shop room by binding it by chain and putting a lock on the chain.



3. It is submitted by the learned Advocate for the private respondent that a civil suit for partition is already pending between the parties. The subject property is involved in the said suit. The said fact is admitted in paragraph 13 of the writ petition.

4. Therefore, in my view, efficacious relief of the petitioner lies in filing appropriate application for mandatory injunction in the Civil Court and Criminal Writ Petition is not maintainable under the facts and circumstances of the case.

5. Accordingly, the instant writ petition is dismissed.

(Bibek Chaudhuri, J)

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