

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1196 of 2023

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

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1. MASOMAT AHILYA DEVI Wife of Late Biswanath Singh R/o village - Malpur, Chakhajrat, P.S. and P.O.- Sakra, District - Muzaffarpur
 2. Masomat Meena Devi Wife of Late Rambalak Singh R/o village - Malpur, Chakhajrat, P.S. and P.O.- Sakra, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Patna Bihar
2. The Inspector General of Police, Muzaffarpur Bihar
3. The Senior Superintendent of Police, Muzaffarpur Bihar
4. The S.H.O., Sakra Police Station, Muzaffarpur Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sumit Jha
For the Respondent/s : Mr. Sheo Shankar Prasad

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 01-07-2024 Heard learned counsel for the petitioners and learned
counsel for the respondents.

2. This criminal writ application has been preferred
under Articles 226 and 227 of the Constitution of India by the
petitioners seeking following reliefs:-

*“For issuance of a writ in the nature of Mandamus
directing the respondent authorities to take action on
the basis of representations filed by the petitioners
since 2019 to 2023 and only due to inaction on the
part of the respondent authorities, the petitioners*



have been deprived from their valuable right of property, which has been grabbed by the antisocial elements over Khata No. 67, Khesra No. 187 measuring an area about 3 acres and further for issuance of a writ directing the respondent authorities to institute an FIR on the application filed by the heirs of the petitioners and investigate the case to its logical end as also to direct the respondent authorities to provide security to the life and property of the petitioners”.

3. According to the pleading of the petition, the petitioners are the owner of the land in question wherein *Khata* No. 67 *Khesra* No. 187 measuring an area about 109 decimal inherited through ancestral property and the petitioners are in possession of the said land. One Sumitra Devi without having any right and title executed the deed of *Atyanama* (gift deed) fraudulently related to the said land and subsequently, she herself filed a cancellation of the deed before the Collector and finally, the said deed was cancelled.

4. During the pendency of the application, the antisocial elements harvested the field of the petitioners and then a petition was filed by the son of the petitioner no.1 to the



S.H.O. Sakara on 02.05.2023, which was sent to the learned S.D.M., Sadar, Muzaffarpur and thereafter, Miscellaneous Case No. 415 of 2023 has been registered.

5. The Police submitted its report on 15.05.2023 in favour of the petitioners mentioning the fact that the petitioners and their grandsons were cultivating the said land. Sumitra Devi in connivance with the antisocial elements sold the said land after creating fraudulent *Jamabandi* in her favour. Therefore, the son of the petitioners approached the respondent authorities including the Collector, Muzaffarpur for institution of the case for proper investigation, but no action has been taken. Thus, the petition has been preferred.

6. Perused the documents annexed with the petition. Bare perusal of the petition, Annexure-1 dated 02.05.2023 filed by the Amarjeet Singh, grandson of the petitioners clearly shows that apprehension/suspicion was made by him over the land in question that Sumitra Devi in connivance with the antisocial elements will take the possession over the land in question. Only apprehension was raised. On the basis of the police report, as contained in Annexure-2, it is evident that on the basis of the said complaint made by Amarjeet Singh, the Police has already taken action under Section 144 of the Cr. P.C. Since it is clear



that action has already been taken by the Police, no further order is required to be passed in the instant case.

7. Having considered the above facts and circumstances of the case as also the submissions advanced on behalf of the parties, I do not find merit in the application. Hence, the same is dismissed.

(Arvind Singh Chandel , J)

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