

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15030 of 2022

Dr. Sheela Sharma Daughter of Late Punyadeo Sharma and Wife of Late Dr. Janakdeo Prasad Sinha, resident of Mohalla Hanuman Nagar (Niramy Hospital), P.O. - Lohiya Nagar, P.S. - Kankarbagh, Town and District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum-District Magistrate, Patna.
2. The District Magistrate, Patna.
3. The Additional Collector, Patna.
4. The D.C.L.R., Paliganj, Patna.
5. Shri Mukesh Kumar, Sub-Divisional Officer, Paliganj, Patna.
6. Shri Shiv Kumar Sharma, Circle Officer, Bikram, District- Patna.
7. The Senior Superintendent of Police, Patna.
8. The Officer-in-Charge, Bikram Police Station, District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pushkar Narain Shahi, Sr. Advocate Mr. Shivam, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam, A.A.G.-12 Mrs. Nutan Sahay, A.C. to A.A.G.-12

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 06-05-2024 Heard Mr. Pushkar Narain Shahi, learned Senior Counsel for the petitioner and Mrs. Nutan Sahay, learned A.C. to A.A.G.-12 for the State.

2. The present petition has been preferred for the following reliefs:-

(i) for commanding the respondents particularly respondent Nos. 5 and 6 to unlock the



lock which has been forcibly put by the persons on the premises of Gandhi Ashram belonging to the petitioner situated over Plot No. 1972 under Khata No. 226 measuring 64 decimals at Mauza Khoraita, PS Bikram, District- Patna;

(ii) for grant of any other incidental/consequential or other appropriate relief/reliefs to which the petitioner may be found entitled including restraining the respondents from interfering with the peaceful possession of the petitioner over the land and building described above without taking recourse to procedure established by law.

3. Learned Senior Counsel for the petitioner accepted that *Jamabandi* Cancellation Case No. 74 of 2016-17 went against her vide an order passed on 19.07.2018 by the Additional Collector, Patna on the petition preferred by Arun Kumar Azad.

4. Learned State Counsel submits that Arun Kumar Azad has not been made party-respondent despite the case that it was on his behest that entire steps were taken by the respondents. To this, Mr. Shahi submits that so far as the



Jamabandi Cancellation Case is concerned, an appeal has already been preferred vide Appeal no. 17 of 2018-19 which is pending before the Collector, Patna while a Title Suit No. 78 of 2018 preferred has been pending before the learned Sub-Judge, Paliganj, Patna. He submits that now the allegation is not against Arun Kumar Azad rather the office of the Circle Officer, Bikram whose staffs have come and put the lock.

5. Mrs. Nutan Sahay, learned State Counsel has taken this Court to Annexure-4, the petition preferred by the petitioner before the Officer In-charge, Bikram Police Station, Patna and pointed out that it was specifically stated that on 27.07.2022, Arun Kumar Azad along with some anti-social elements came to the Ashram and after threatening her staffs, Ravindra Singh stated that they have come from Circle Office and if the same is not vacated in 2-3 days, appropriate steps shall be taken.

6. This Court is of the opinion that when the lock has been put by one Arun Kumar Azad (who has not been made party-respondent) and not by the office of the Circle Officer concerned, in that background, these facts should have been brought to the notice of the competent Civil Court where Title Suit No. 78 of 2018 is pending so that he/she can take cognizance of the matter and pass necessary order after hearing



the parties concerned in accordance with law.

7. Learned Senior Counsel submits that the petitioner shall be taking up necessary steps accordingly.

8. The writ petition stands disposed of allowing the petitioner to approach the competent Civil Court.

(Rajiv Roy, J)

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