

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17662 of 2022

Harendra Kumar Tiwary Son of Late Awadh Kishore Tiwari, Resident of Village and Post Barwat Pasraine, P.S. Bettiah (M), District- West Champaran. At present resident of Awadh Niwas Just East of Alok Bharti School. Stadium Road, Nauranga Baswaria. P.O. and P.S. Bettiah Town, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Sadar Patel Bhawan, Bailey Road Patna.
2. The District Magistrate, West Champaran.
3. The Deputy Inspector General of Police, Champaran Range at Bettiah.
4. The Superintendent of Police, West Champaran at Bettiah.
5. The Officer in Charge, Bettiah Mufassil Police Station Bettiah, West Champaran.
6. The Circle Office, Bettiah Circle Office, District- West Champaran
7. Smt. Bitani @ Bitan @ Manju Devi W/o Sri Surendra Tiwari, Resident of Village and Post - Barwat Pasraine, P.S.- Bettiah Mufassil, District West Champaran.
8. Most. Mantura Devi D/o Late Kedar Mishra, W/o Late Dayanand Pandey, Resident of Village and Post - Barwat Pasraine, P.S.- Bettiah Mufassil, District West Champaran.
9. Most. Reshma W/o Late Awadh Kishore Ojha, Resident of Village and Post - Barwat Pasraine, P.S.- Bettiah Mufassil, District West Champaran.
10. Ashok Kumar Shikariya S/o Late Gauri Shankar Shikaria, Resident of Lal Bazar Bettiah, P.S. Bettiah Town, District- West Champaran.
11. Sharavan Kumar Keshan S/o Late Girdhari Keshan, Resident of Kamalnath Nagar, Ward No. 21, P.S. Bettiah Town, District- West Champaran.
12. Rana Dilip Singh S/o Rana Bijay Singh, Resident of Dak Bunglo Road Bettiah P.S.- Town, District- West Champaran.
13. Rakesh Kumar Goyal S/o Ram Goyal, Resident of Ujjain Tola Janta Cinema Chawk Bettiah, , P.S. Bettiah Town, District- West Champaran.
14. Anup Kumar S/o Vishwanath Prasad, Resident of Kamalnath Nagar, P.S. Bettiah Town, District- West Champaran.
15. Kanhaiyalal S/o Shambhu Prasad Bajodia, Resident of Kamalnath Nagar, P.S. Bettiah Town, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha, Sr. Advocate
Mr. S.S. Thakur, Advocate
Mr.Sanat Kumar Mishra, Advocate



For the State : Mr. Sheo Shankar Prasad (SC- 8)
For the Respondent no.
7 to 15 : Mr. Surendra Kishore Thakur, Advocate
Mr. R.R. Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 28-03-2024 Heard Mr. Anil Kumar Jha, learned counsel for the
petitioner, Mr. Surendra Kishore Thakur, learned counsel for the
respondent no. 7 to 15 and Mr. Shiv Shankar Prasad, learned
Standing Counsel – 8 for the State.

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

*(i) for issuance of writ/writs,
order/orders and direction to Respondents
No. 01 to 06 for protection of peaceful
possession of Petitioner over his raiyati
land, which is owned and possessed by him
for nearly last 100 years since 1928 and
1932, respectively, after purchase of same
by his forefathers from the Khatiani Raiyats
after payment of consideration money and
the respondents may be directed to prevent
dispossession of the Petitioner from the said
land.*

*(ii) for issuance of writ/writs,
direction/directions to Respondent No. 01 to
06 for protection of Petitioner's life and
lives of his family members, while visiting
and agricultural activities up on his land.*



3. Pursuant to the notice issued by the Coordinate Bench, respondents no. 7 to 15 are present and have also filed reply. The State have also filed comprehensive counter affidavit on behalf of the Superintendent of Police, Bettiah, duly put an affidavit by the Sub-Divisional Police Officer of Bettiah and in paragraphs 10 and 11, it has been stated that they have seriously taken up the matter, so that the law and order situation is not affected and further, Bettiah (Muffasil) P.S. Case No. 794 of 2021 dated 30.12.2021 already stands instituted against the respondents herein, in which charge sheet has been submitted on 17.03.2023.

4. Learned counsel appearing on behalf of the respondents no. 7-15 has taken this Court to paragraphs 7 to 9 of the counter affidavit, according to which, Title Suit No. 119 of 2017 has been preferred by the petitioner for declaration that the sale deed executed by the respondents is void.

5. Learned Senior Counsel for the petitioner submits that the respondents herein have also filed injunction petition and they should pursue the same in the Title Suit instead of taking the law in their own hand.

6. Learned counsel for the respondent, Mr. Thakur agrees to it that the Title suit is pending before the



competent civil court, they will be appearing diligently without fail and will press their injunction petition, so that, an appropriate order is passed.

7. Taking into account the aforesaid facts as also the fair submissions put forward by the respective counsels, for the ends of justice and also to prohibit any untoward incident which prompted the petitioner to invoke the writ jurisdiction, it would be appropriate that the concerned civil court take the Title Suit No. 119 of 2017 to its logical conclusion at an earliest. Accordingly, the following order is/are passed:-

(i) the injunction petition preferred by the respondents no. 7-15 if pending has to be disposed of within a period of three months from the receipt of the copy of this order after hearing the parties;

(ii) the Title Suit No. 119 of 2017 should be heard on regular basis with short adjournments and the same should also be taken to its logical conclusion at an earliest preferably within a period of one year from today.

8. Both the learned counsels informed that they will be providing copy of the order to the concerned civil Court



where the Title suit is pending. This Court would expect that they will pursue the civil remedy instead of taking the law in their own hands.

9. The writ petition is disposed of with the aforesaid observations. The interim order also stands consigned with the disposal of the writ petition.

(Rajiv Roy, J)

Suraj/Jagdish/-

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