

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17106 of 2024

Karn Kapoor Gupta Son of Mahesh Sah @ Mahesh Prasad Gupta, resident of Mohalla - Sahshupan Milan Chowk, Ram Janki Mandir Road, Ward No. - 24, Near Azmi Hospital, P.O. - Lalbagh, P.S. - Laheria Sarai, Dist. - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
3. The District Magistrate, Darbhanga.
4. The Senior Superintendent of Police, Darbhanga.
5. The Sub Divisional Officer, Sadar, Darbhanga.
6. The Circle Officer, Laheria Sarai, Darbhanga.
7. The S.H.O., Laheria Sarai P.S., Darbhanga.
8. Durga Devi Wife of Mahesh Sah @ Mahesh Prasad, Resident of Mohalla - Sahshupan, Milan Chowk, Ram Janki Mandir Road, Ward No.- 24, Near Azmi Hospital, P.O. - Lalbagh, P.S.- Laheria Sarai, Dist. - Darbhanga. (2) Main Market Mohalla - Chandni Chowk, Laheri Bazar, P.S. - Rajnagar, Dist. - Madhubani. (3) At present resident of Mohalla - Musepur Rambagh near C.M. Arts College Hostel, P.S. - Bahadurpur, Darbhanga.
9. Mahesh Sah @ Mahesh Prasad Son of Late Gaya Prasad, Resident of Mohalla - Sahshupan, Milan Chowk, Ram Janki Mandir Road, Ward No.- 24, Near Azmi Hospital, P.O. - Lalbagh, P.S.- Laheria Sarai, Dist. - Darbhanga. (2) Main Market Mohalla - Chandni Chowk, Laheri Bazar, P.S. - Rajnagar, Dist. - Madhubani. (3) At present resident of Mohalla - Musepur Rambagh near C.M. Arts College Hostel, P.S. - Bahadurpur, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Praveen, Advocate
For the State	:	Mr. Gyan Prakash Ojha, GA-7

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-11-2024 The present writ petition has been filed seeking the following reliefs:-

"1. A) For issuance of an appropriate writ/writs, order/orders, direction/ directions to quash/set aside the order dated 16.12.2022 and the order dated 20.01.2023,



passed by the Sub Divisional Officer (S.D.O.), Sadar, Darbhanga in M.R.NO.- 885/2022 (Mahesh Prasad and another Vs. Karan Kapoor Gupta and another) by which direction has been given to the petitioner to allow respondents no. 8 and 9 to reside in the asbestos house constructed on the ground floor of the 15 Dhurs ancestral land without considering the reply filed by the petitioner, and permit them to install CCTV camera so that in case of any misbehavior with them by the petitioner, its recording would be preserved.

B) For issuance of an appropriate writ/writs order/orders, direction /directions commanding the private respondents no. 8 and 9 to vacate the land in question immediately because they have entered in the premises of the said land with ulterior motive on the basis of false and concocted story narrated by them before the S.D.O. Sadar, Darbhanga as well as before this Hon'ble Court in C.W.J.C. No.9052/2024 (Durga Devi and another Vs. The state of Bihar and Ors) in which also they had deliberately not disclosed the entire real facts and had suppressed the facts.

C) For direction to the respondent authorities to oust the respondents no 8 and 9 from the ancestral property and restore its previous position, to avoid any unwanted situation and to maintain law and order because the conduct of respondents no. 8 and 9 is very provocative and they are in habit of creating unwanted/unpleasant situation.”

2. After some arguments, the learned counsel for the



petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law for redressal of his aforesaid grievances. Liberty, so sought, is granted.

3. The writ petition stands dismissed.

(Mohit Kumar Shah, J)

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