

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.981 of 2021

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

-
1. Aiman Syed @ Syed Shah Aiman Enaitullah Firdausi S/o Late Syed Shah Nooruddin Ahmad Firdausi, Resident of Khanquah Maner Sharif, At and P.O. Maner, P.S.- Maner, Patna. presently residing at House of Faique Sabih (Fauki) 2nd Floor, Near Kids International School, Haji Kirana Store, New Azimabad Colony, Patna.
 2. Kashif Raza @ Syed Kashif Raza S/o- Syed Ashraf Munir Ahmed, Resident of Munir Manzil, K.B.M. Road, Lodi Katra, P.S.- Khajkalan, P.O. Jhauganj, Patna City, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Deptt. Of Home, Govt. Of Bihar.
3. The Director General Of Police, Bihar
4. The Inspector General Of Police, Patna.
5. The Deputy Inspector General Of Police, Patna.
6. The District Magistrate, Patna.
7. The Senior Superintendent Of Police, Patna.
8. The Superintendent Of Police Rural, Patna.
9. The Deputy Superintendent Of Police, Danapur.
10. The SHO, Maner P.S., Patna.
11. Syed Shah Tarique Enaitullah Firdausi S/O Late Syed Shah Nooruddin Ahmad Firdausi, Resident Of Khanquah Maner Sharif At And Po Maner, Police Station Maner, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Majid Mahboob Khan, Advocate
For the State	:	Mr. Saroj Kumar Sharma, AC to AAG-3
For the Resp. No.11	:	Mr. Rashid Izhar, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

10 07-11-2025

The present criminal writ petition has been preferred
by the petitioners making following prayers:

“(A) For issuance of an appropriate



writ/order/direction commanding the respondent authorities not to disturb the petitioner's valuable right to peaceful enjoyment of his residential house altogether known as Khanquah Maner Sharif, Maner, Patna, which is illegally and arbitrarily occupied by the private respondent with the aid of other respondent authorities.

(B) For issuance of an order writ or direction commanding respondents to remove the constable which is deployed by the State authorities from the common space of the house on the instance of private respondent.

(C) For any other relief or reliefs for which the petitioner deserves in the facts and circumstances of the case.”

2. I heard learned counsel for the petitioners and learned AC to AAG-3 as well as private Respondent No.11.

3. In course of hearing, learned counsel for the petitioners submits that at the time of filing the writ petition, they were in possession. Hence, they had made the first prayer for direction to the State authorities not to disturb the valuable right of the petitioners to peaceful enjoyment of his residential



house known as Khanquah Maner Sharif, Maner, Patna, which is illegally occupied by the private Respondent No.11 with the aid of the State authorities. However, at present, the petitioners are dispossessed of their residential place situated in the Khanquah Maner Sharif, Maner, Patna. Hence, the present prayer has become infructuous and they are not pressing the same.

4. However, learned counsel for the petitioners is pressing the second prayer for directing the State authorities to remove the police deployed by the State in the Khanquah Maner Sharif, Maner, Patna, because they are hand in gloves with the private respondent No. 11 and they are instrumental in dispossessing the petitioners from the residential place situated in the Khanquah Maner Sharif, Maner, Patna.

5. Learned counsel for the State authorities as well as learned counsel for the private Respondent No. 11 submit that the petitioners were never residing at the Khanquah Maner Sharif, Maner, Patna and hence, they were never in possession of any residential part of the Khanquah Maner Sharif, Maner, Patna.

6. They also submit that they are not interfering in any legal right of any person as alleged by the petitioners. The



police force has been deployed to protect the property of the Khanquah Maner Sharif, Maner, Patna, and for maintaining law and order. The allegation of the petitioners that the police is hand in glove with the private Respondent No.11 is false, baseless and concocted.

7. As a matter of fact, the petitioners are making false claim to reside in the Khanquah Maner Sharif, Maner, Patna, whereas the Khanquah Maner Sharif, Maner, Patna is a waqf property and they have no right at all to reside in the Khanquah Maner Sharif, Maner, Patna.

8. However, learned counsel for the petitioners vehemently contests the submissions made by learned counsel for the State as well as private Respondent No.11, submitting that the petitioners were living in the Khanquah Maner Sharif, Maner, Patna and they have been illegally dispossessed of and thereafter, they are being prevented from entering in their house situated in the Khanquah Maner Sharif, Maner, Patna.

9. I perused the material on record and considered the submissions advanced by both the parties.

10. From perusal of the counter affidavit filed on behalf of the State, it transpires that police has been deployed in the Khanquah Maner Sharif, Maner, Patna to protect the



property of the Khanquah Maner Sharif, Maner, Patna and for maintaining law and order. It also transpires that there are civil and religious disputes between the petitioners as well as the private Respondent No. 11. However, no party has moved Civil Court for adjudication of their claim and counter claim. Hence, they are required to move Civil Court, if advised.

11. As far as deployment of police in the Khanquah Maner Sharif, Maner, Patna is concerned, police has been deployed there to protect the property of the Khanquah Maner Sharif, Maner, Patna as well as for maintaining law and order. Hence, considering the aforesaid facts and circumstances, there is no need to remove the police deployed in the Khanquah Maner Sharif, Maner, Patna.

12. However, police is directed not to interfere in the civil or religious dispute between any private parties without any order of the Court. Their duty is confined only to protecting the property of the Khanquah Maner Sharif, Maner, Patna and maintaining law and order in Khanquah and in no case, they will interfere in any rival claims of the petitioners and private Respondent No. 11, unless there is order of the competent Court.

13. Hence, the present petition is disposed of,



accordingly. The police force will continue discharging the aforesaid functions. However, the private parties to the writ petition are at liberty to move competent Civil Court/forum, in case their civil or religious right is violated.

(Jitendra Kumar, J.)

ravishankar/-

U		T	
---	--	---	--

