

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3739 of 2023

- 1.1. Ramashish Sah son of Late Sarwan Sah, Resident of Village-Lakahminioan, P.S. Balia, District-Begusarai.
- 1.2. Dilip Sah, son of Ram Ashsih Sah, Resident of Village-Lakahminioan, P.S. Balia, District-Begusarai.
- 1.3. Ranjeet Sah, son of Ram Ashsih Sah, Resident of Village-Lakahminioan, P.S. Balia, District-Begusarai.
- 1.4. Radhe Sah, son of Ram Ashsih Sah, Resident of Village-Lakahminioan, P.S. Balia, District-Begusarai.
- 1.5. Pankaj Sah, son of Ram Ashsih Sah, Resident of Village-Lakahminioan, P.S. Balia, District-Begusarai.
- 1.6. Rajiv Sah, Son of Ram Ashish Sah, Resident of Village-Lakahminioan, P.S. Balia, District-Begusarai.
- 1.7. Sulekha Devi, wife of Asik Sah, Resident of Bhadas (South), Khagaria, Pin Code-851264.
- 1.8. Urmila Devi, Wife of Amrendra Sah, Resident of village-Sadipur, P.O.-Balaha, P.S.-Mansi, District-Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land and Revenue, Government of Bihar, Patna.
2. Principal Secretary, Department of Land and Revenue, Government of Bihar, Patna.
3. Divisional Commissioner, Munger Division, District- Munger.
4. District Magistrate-cum- Collector, Begusarai, District- Begusarai.
5. Superintendent of Police, Begusarai, District- Begusarai.
6. Dy. Superintendent of Police, Begusarai, District- Begusarai.
7. Sub Divisional Officer, Balia, District- Begusarai.
8. S.D.P.O., Balia, District- Begusarai.
9. Circle Officer, Balia, P.S. Balia, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nikhil Singh- Advocate
For the State	:	Mr. Raj Kishore Roy (GP-18)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 29-04-2025 1. Heard learned counsel for the petitioners and



learned GP-18 for the State.

2. The learned counsel appearing on behalf of the petitioners submits that the instant writ application has been filed seeking a writ of mandamus for a direction upon the D.M., Begusarai, the S. P., Begusarai, the Divisional Officer, Balia and the Circle Officer, Balia to decide the representation filed by the petitioners dated 02.12.2022, so that the land of the petitioners situated at Mauza- Sultanpur, Tetri, Tetri Mahal, Tauji No.7790, Thana No.627, Khata No.1544/1583, Plot No.5230, area 13 Dhur, North-own land and shop, South- Doctor Medni, East- Part land of Brahmadeo Sah, West- Roadway be given boundary and protected on the ground that the petitioners is the rightful owner of the property. The petitioners are paying the rent and having up-to-date rent receipts.

3. The land possession certificate is in favour of the petitioners, but then, representation filed by the petitioners are not being decided since long. Further, for a direction upon the authorities to provide police protection as well as to take necessary action with regard to the land situated at Mauza- Sultanpur, Tetri, Tetri Mahal, Tauji No.7790, Thana No.627, Khata No.1544/1583, Plot No.5230, area 13 Dhur guaranteed under Article 300-A of the Constitution of India as the right to



property is not only a constitutional right, but also a human right. Further, for a direction upon the Superintendent of Police, Begusarai, the Deputy Superintendent of Police, Begusarai as well as the S.H.O., Balia to provide police protection when the measurement of the land in question is carried out as there is a constant threat to the petitioners which is of life and property to the present petitioners.

4. The learned State counsel, at the outset, raises an objection and submits that from bare perusal of the prayer made in the writ application, it would manifest that the dispute appears to be private and the petitioners in garb of settling a private dispute has filed the instant writ application with an evasive prayer to give an impression that petitioners are only seeking measurement of their land for the purposes of constructing the boundary wall, but when the prayer of the petitioners are read in its entirety it gives an impression that some persons are disputing the construction of the boundary wall of the petitioners on the land in dispute in the instant writ application.

5. The learned counsel for the State further submits that no doubt, the petitioners are only seeking a direction upon the authorities for getting his representation disposed of, but



then, from perusal of the representation of the petitioners annexed as Annexure- P/5 to the writ application, it would manifest that the same records that petitioners after purchasing the land got their Jamabandi No.696 created and when they started constructing a boundary wall, when people from other communities started disturbing. It is further submitted that if any disturbance is being caused by private persons which grieves the petitioners, in that event, such persons also ought to have been impleaded as a party respondents in the writ application. It is next submitted that parties necessary for adjudication of the lis involved are not impleaded as party respondent, as such, the writ application be also dismissed on grounds of non-joinder of necessary party apart from the fact that the lis is private in nature.

6. The Court is in complete agreement with the submissions made by the learned counsel appearing on behalf of the State and thus, finds no merit in the writ application.

7. The instant writ application is dismissed accordingly.

(Satyavrat Verma, J)

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