

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19399 of 2016

=====

Sri Bimal Kumar Sultania S/o Late Laxmi narayan sultania Resident of
Madhpura, Ward no. 20, P.s.- Madhpura, and District-Madhpura,Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Th District Magistrate- Cum -Collctor, Madhpura,
3. The superintendent of police, Madhepura, Bihar
4. The Station house officer, Madhepura police Station, Madhepura
5. The circle officer,Madhepura
6. The district forest officer ,Madhepura
7. The District Panchayati Raj officer ,Madhepura.
8. Sub-Divisional Magistrate, Madhepura.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Gajendra Pratap Singh, Advocate Ms. Rishika Jha, Advocate
For the Respondent/s	:	Mr. Shailok Kumar, AC to GP-5

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-08-2025 Learned counsel for the petitioner prays for and is

allowed to implead the Sub-Divisional Magistrate,

Madhepura as respondent no. 8 in course of the day.

2. Heard Mr. Gajendra Pratap Singh, learned
counsel for the petitioner duly assisted by Ms. Rishika Jha
and learned State counsel.

3. The present petition has been preferred for the
following relief(s):

“(i) for issuance of an appropriate



writ/order or direction including a writ in the nature of mandamus directing and commanding the respondents to ensure that the peaceful legal possession over petitioner's land, may not be allowed to be disturbed by anyone whosoever he or she may be, without adopting the due process of law.

(ii) For issuance of the appropriate writ in the nature of Mandamus to restrain any such person (everybody what so ever) from causing any harm, creating any kind of disturbance over the petitioner's land in absence of an order by a Court of competent jurisdiction.

(iii) For grant of such other relief/reliefs as the petitioner may be found entitled to in the facts and circumstances of the instant case.”

4. The petitioners claim that they are the title holder and the local miscreants are every now and then, threatening them which resulting into lodging of the



Madhupura P.S. Case No. 353 of 2012 under sections 447, 427, 504 and 506/34 of the Indian Penal Code. The submission is that even thereafter, the accused persons continued to threatened them.

5. A counter-affidavit has come on behalf of the S.P., Madhepura, according to which, they took action and having found the case to be true, charge-sheet has been submitted against them on 12.12.2012 vide charge-sheet no. 415 which is part of the counter-affidavit as Annexure-C to it.

6. The counter-affidavit in para-9 further records that the matter relates to land dispute which comes under civil jurisdiction and can be solved either by the Executive Magistrate or by the competent Civil Court.

7. This counter-affidavit was filed after service of copy to the learned counsel for the petitioner on 13.04.2017 and there is no rebuttal to it.

8. Learned State counsel, upon query, submits that the counter-affidavit clearly shows that the petitioner should have moved before the Sub-Divisional Magistrate, Madhepura if those claiming title threatens them.



Alternatively, they should have taken the route to Civil Court instead, the present writ petition.

9. This Court accepts the view of the learned State counsel as also the averment made by the S.P., Madhupura in paragraph 9 of the counter-affidavit.

10. A case was lodged, charge-sheet submitted and the accused persons will face the music.

11. So far as the attempt to dispossess the land concerned, it would be appropriate for the petitioner to approach the Sub-Divisional Magistrate, Madhepura so that the same is taken to its logical conclusion after noticing the other side. Alternatively, they have to move before the competent Civil Court.

12. In that background, learned counsel for the petitioner seeks liberty to approach the newly added respondent no. 8, the Sub-Divisional Magistrate, Madhepura in next four weeks.

13. If such petition is preferred by the petitioner within the stipulated time frame, as recorded above, the Sub-Divisional Magistrate, Madhepura shall taking up steps and after noticing the parties, the matter be taken to its



logical conclusion at an earliest.

14. The writ petition stands disposed of with the aforesaid observation.

15. Before parting, this Court would like to put on record its word of appreciation for Ms. Rishika Jha, learned counsel representing the petitioner for the assistance rendered in the Court.

(Rajiv Roy, J)

Adnan/-

U			
---	--	--	--

