

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.749 of 2019

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

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1. Afsar Ali S/O Md. Yasin Resident Of Village-Sikorna,P.S-Kadwa, District-Katihar.
 2. Ziyaur Rahman @ Jaur Rahman @ Jiyaaur Raman S/O Md. Yasin Resident Of Village-Sikorna,P.S-Kadwa, District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Katihar
4. The Sub Divisional Police Officer, Barsoi, Katihar.
5. The Officer-in-charge Kadwa P.S., Katihar
6. Bibi Kulsum Khatoon W/o Yakub Ali Resident of Village-Sikorna, P.S-Kadwa, District-Katihar.
7. Yakub Ali S/o Late Hazi Abdul Jabbar Resident of Village-Sikorna, P.S-Kadwa, District-Katihar.
8. Md. Mubarak Hussain S/o Yakub Ali Resident of Village-Sikorna, P.S-Kadwa, District-Katihar.
9. Md. Saddam Hussain, S/o Yakub Ali. Resident of Village-Sikorna, P.S-Kadwa, District-Katihar.
10. Hazrat Ali S/o Late Hazi Abdul Jabbar Resident of Village-Sikorna, P.S-Kadwa, District-Katihar.
11. Gulam Haider S/o Gulam Mustaba Resident of Village-Sikorna, P.S-Kadwa, District-Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anisur Rahman, Advocate
For the State : Mr. Manish Kumar, GP-4

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 25-11-2025 The present petition has been preferred by the petitioners seeking direction to the Respondent No. 5/The Officer-in-Charge, Kadwa, Katihar not to disturb their peaceful possession over the suit land of Title Suit No. 3 of 2019, going



on between the petitioners and Respondent Nos. 6 to 11.

2. Learned counsel for the State, however, submits that the allegation is totally false and fabricated. As a matter of fact, there is dispute between the petitioners and Respondent Nos. 6 to 11 and Suit has been already filed in regard to the dispute and hence, the present petition is not maintainable.

3. He also submits that the petitioners have already remedy to file interim application before the Civil Court where the Suit is going on in regard to the property in question for interim injunction against any person who may be interfering in the peaceful possession of the petitioners.

4. I considered the submissions advanced by learned counsel for the parties and perused the materials on record.

5. It transpires that in regard to the land in question, Suit between the petitioners and private respondents is already going on in the Civil Court. In such situation, the petitioners have liberty to seek any interim relief in regard to the interference in their possession. The police has no role in such situation when the matter is already pending in the Civil Court.

6. Hence, the police is restrained from doing anything in regard to the dispute between the petitioners and private respondents. The petitioner can move Civil Court for interim



relief, if advised.

7. Accordingly, the present petition stands disposed
of.

(Jitendra Kumar, J)

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