

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.801 of 2021

Arising Out of PS. Case No.-225 Year-2019 Thana- SHRIKRISHNAPURI District- Patna

Rajiv Ranjan Singh, Son of Ramchandra Singh Resident of Village - Wajitpur,
P.S.- Bihata, Distt.- Patna. at Present resident of 401, Pushpa Mension
Apartment, Vivekanand Park Road, P.S.- Patliputra, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through The Director General Of Police, Bihar, Patna.
2. The Director General Of Police, Bihar, Patna.
3. The Inspector General Of Police, Central Range, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Superintendent of Police , City, Central, Patna.
6. The Sub- Divisional Police, Secretariat, Patna.
7. The Inspector cum officer incharge, S.K. Puri Police Station, Patna.
8. Dipak Kumar Son of Late Surendra Prasad Sah Resident of Mohalla -
Lohapatti, P.S.- Kotwali, Distt.- Bhagalpur.
9. Ameeta Mehta D/o Late Ranjet Singh Resident of Village - L.B.Nagar Near
Pillar No.17, in front of Dipa Clinic Big Bazar, P.S.- Shashtrinagar, Dist.-
Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vinay Ranjan, Advocate
For the Respondent/s : Mr. Praveen Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 10-04-2025

Petitioner has prayed for following relief(s):-

(i) "For issuance of a writ in the nature of mandamus commanding and directing the respondent authorities specially Senior Superintendent of Police, Patna to restore the possession of the petitioner in his house as the



petitioner has been dispossessed forcefully and illegally by the S.K. Puri Police in favour one Depak Kumar without adhering the rule of law and further for issuance of direction to take appropriate action against the then Inspector cum S.H.O. S.K. Puri Police Station and further for issuance of any other appropriate writ or writs order or orders it may deem fit and proper by this Hon'ble Court.

(ii) Prayer was also made to issue a writ in the nature of mandamus commanding and directing the respondent authorities specially Senior Superintendent of Police, Patna to restore the possession of the petitioner in his house as the petitioner has been dispossessed forcibly and illegally by the S.K. Puri Police in favour of respondent no. 8 without adhering the rule of law.

2. Explaining the background of the litigation, it is submitted by Mr. Vinay Ranjan, learned counsel appearing for the petitioner that property bearing plot no. 10B situated at Sahdeo Mahto Marg, Shrikrishnapuri, P.S. Shrikrishnapuri, Patna was purchased by this petitioner from the owner of the said plot, namely Late Ranjit Singh through "agreement to sale" dated 09.12.2016, where 90% of consideration money was already paid. It is pointed out that as 90% of consideration money was already



paid, late Ranjit Singh, the owner of aforesaid plot handed over the possession of said property to the petitioner. It is submitted that unfortunately petitioner sent to judicial custody in connection of criminal case and for said reason he could not get sale agreement absolute but after getting release from jail, he approached immediately, the land owner for executing the sale deed. It was agreed between the parties and, therefore, the land owner late Ranjit Singh obtained "No Objection Certificate" (NOC) from Patna Improvement Trust with which the land/property was initially inquested but in the meantime, late Ranjit Singh became sick and unfortunately he died on 02.06.2017, therefore sale deed could not executed. It is further submitted that petitioner applied before municipal corporation for getting mutation in his favour and eventually the said property was mutated in the name of petitioner vide order dated 18.12.2018 and subsequently, electricity connection also transferred in the name of petitioner and since then petitioner continuously depositing municipal tax as well as electricity bill.

3. It is further submitted by learned counsel that after the death of Ranjit Singh, his daughter (respondent no. 9) came from U.S.A. and started to reside at Patna. She was approached by this petitioner and requested to receive balance amount of the



property and execute the sale deed as she is the only legal heir/successor of her father as her mother was already died during the life time of her father but for any unforeseen reason, the daughter of the petitioner (respondent no. 9) did not inclined to execute the sale deed and, therefore petitioner served legal notice to her through his advocate on 27.12.2018 through speed post. Consequent upon, the respondent no. 9 also sent a complaint to S.S.P., Patna. It is pointed out that due to aforesaid compelling circumstances, petitioner filed a suit under the provisions of specific performance of Contract Act as Title Suit No. 268 of 2019 for direction to respondent no. 9 to execute the sale deed in favour of petitioner, which is pending for adjudication.

4. It is further submitted that all of sudden on 06.07.2019 respondent no. 8, namely Deepak Kumar alongwith police force came at the house of the petitioner and made captive of his wife and also with help of police confined his staff and thereafter taken all the belonging of the petitioner from the said house. At the time of aforesaid occurrence, petitioner was in his native village and he was informed by his wife about the incident. Upon said information, petitioner came to Patna immediately and lodged an FIR, which was registered as S.K. Puri P.S. Case No. 225 of 2019 dated 06.07.2019 against respondent no. 8 and his



associates. Police personnels were not implicated under police pressure. Only in police station he came to know from SHO that one S.K. Puri P.S. Case No. 224 of 2019 dated 06.07.2019 is already lodged against him and in connection thereto his staff has been arrested. Concluding the argument, it is submitted by learned counsel that the aforesaid FIR categorically reveals that house in question was in possession of petitioner which was forcibly vacated. In support of his submission, he also relied upon certain photographs which has been annexed with present petition as Annexure- 5 series. It is pointed out that the FIR has lodged against him and his wife and staffs, in order to giving space to respondent no. 8/Deepak Kumar and, therefore, the manner in which without adhering the rule of law, the petitioner dispossessed from aforesaid property, was in gross violation of article 300A of the Constitution of India.

5. Mr. Praveen Kumar, learned counsel appearing for respondent no. 8 submitted that the present criminal writ was brought after two years of the occurrence, for which, the petitioner already lodged a case of specific performance as submitted above. It is submitted that the present writ petition preferred only to create a legal pressure upon all the respondents as to get benefit in the criminal case lodged against petitioner. It is further submitted



that from the avertments of present criminal writ it can be gathered safely that the callous of the dispute between the parties are civil in nature for which efficacious remedy is already availing by petitioner after lodging a case for specific performance which is pending before the court of Sub-Judge, Patna as Title Suit No. 268 of 2019.

6. Concluding the argument, it is submitted by Mr. Praveen Kumar that respondent no. 8 purchased the plot no. 10B from respondent no. 9 who is admittedly absolute owner by succession being the only legal heir of late Ranjit Singh. It is submitted that the respondent no. 8 will extend his all cooperation for early disposal of aforesaid title suit.

7. Considering the aforesaid fact and circumstances as admittedly petitioner brought this criminal writ after two years of occurrence, where dispossession of petitioner by respondent no. 8 and police personnel *prima facie* not appears convincing as the police personnel were not implicated as an accused through FIR i.e. S.K. Puri P.S. Case No. 225 of 2019, as lodged by this petitioner and, admittedly, the disputes are civil in nature for which the petitioner is already availing the civil remedies which is pending before the court, and was registered much before lodging this criminal writ, accordingly, this Court finds that the present writ



petition is devoid of any merit.

8. Accordingly, this petition stands dismissed.

9. Let copy of this order be sent to the trial court,
without delay.

(Chandra Shekhar Jha, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.04.2025
Transmission Date	15.04.2025

