

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.869 of 2021

Arising Out of PS. Case No.-48 Year-2021 Thana- SULTANGANJ District- Patna

Sushma Devi W/O Md. Shahid Alam, Resident Of Rai Ji Ki Gali, Ashray Kaithma Apartment, Flat No. 43, Boring Canal Road, P.S.-BUDHA Colony, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Home Police Deptt., Govt. Of Bihar, Patna Patna.
2. The Director General Of Police, Bihar, Patna. Patna.
3. The Inspector General Of Police, Patna Zone, Bihar Bihar
4. The Deputy Inspector General Of Police, Patna Range, Bihar. Patna.
5. The Senior Superintendent Of Police, Patna. Patna.
6. The Superintendent Of Police, Patna City, Patna. Patna.
7. The Deputy Superintendent Of Police, Patna City, Patna. Patna.
8. The Station House Officer, Sultanganj P.S, Patna. Patna.
9. Husne Ara Begum W/O Md. Shamsher Alam @ Sheru R/O Mohalla-Kasim Colony, P.S.-SULTANGANJ, District-Patna.
10. Md. Shamsher Alam @ Sheru S/O Late Md. Naseruddin R/O Mohalla-Kasim Colony, P.S.-SULTANGANJ, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jai Kishore Sharma, Advocate
For the State	:	Mr. Sheo Shankar Prasad, SC-8
For the Respondent	:	Md. Fazal Rahman, Advocate
		Md. Anisur Rahman, Advocate
		Md. Ehsan Ur Rahman, Advocate
		Md. Nooreen Rahman, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

7 09-09-2025 Present criminal writ petition has been preferred by the petitioner claiming that he has been forcibly ousted from possession of the house in question situated at Village-Kasim Colony, Patna City and the police did not come to the help of the petitioner despite her efforts and now the trespassers, who is



respondent No.10 herein, is claiming to be the owner of the subject house and he has also filed a civil suit bearing T.S. No. 127 of 2024 pending in the Court of Sub-Judge-I, Patna City.

2. Apparently the present writ petition is not maintainable. The petitioner should have immediately preferred civil suit under special relief act or she should have taken remedy under Section 145 Cr.PC for restoring her possession of her house, but no such step has been taken by the petitioner and now title suit has been already filed by the private respondent No.10 who has allegedly ousted the petitioner from possession of the subject house.

3. Hence, all the remedy of the petitioner lies with Civil Court where said title suit between respondent No.10 and the petitioner is going on. So, the petitioner can seek her relief from the court concerned.

4. Hence, present petition is dismissed as not maintainable with liberty to the petitioner to take legal remedy, as per law.

(Jitendra Kumar, J.)

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