

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1315 of 2025

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

Sanjay Kumar S/o Shivnandan Prasad R/o Village-Nimi, Post Office-Gauri Pundah, Police Station-Daniawan, District-Patna

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Secretary Home Department Bihar
- 3. The Director General of Police, Bihar Patna
- 4. The Sr Superintendent of Police, Patna
- 5. The Deputy Superintendent of Police, Fathua, Patna
- 6. SHO, Daniawan, Fathua, Patna
- 7. Smt. Premlata Kumari W/o Kundan Kumar Sinha Resident of Village-Rasulpur, P.O and P.S- Fathua, District-Patna
- 8. Arvind Kumar Singh S/o Late Deo Nanndan Singh R/o Village of Mauja Bindauli, PO-Masaurhi, PS-Gaurichak, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ram Prakash Kumar, Adv.
For the Respondent/s : Mr.S.C.11
For the Respondent no.7 : Mr. Manoj Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
Date : 16-09-2025

Heard learned counsels for both the parties.

02. The present criminal writ has been filed seeking direction to respondent/Director General of Police to open the lock in the house of the petitioner.

03. Learned counsel for the petitioner submits that the petitioner purchased the property vide sale deed dated 02.02.2024 and the property included a house. The petitioner

and his family has been staying in the said house since 2004 as a tenant. Learned counsel further submits that husband of respondent no. 7 with the help of Deputy Superintendent of Police, Fatuha put a lock on the said house on 19.05.2025. The petitioner came to know about this fact on inquiry from the persons living nearby. Learned counsel submits that the respondent no. 5, The Deputy Superintendent of Police, Fatuha has acted in an illegal manner and in order to help respondent no. 7 has put a lock on the premises purchased by the petitioner.

04. The contention of the petitioner has been vehemently denied by the learned counsel appearing on behalf of the State as well as private respondent no. 7. Learned counsel for the State submits that the counter affidavit has been filed on behalf of the State specifically mentioning the fact that no lock has been put by respondent no. 5. A report has also been submitted to the Senior Superintendent of Police by the S.H.O., Fatuha and from perusal of the said report it is evident that the respondent no. 7 purchased the disputed premises from one Deepak Kumar Sinha in the year 2021 by way of a registered sale deed. The vendor of the purchaser is respondent no. 8 and Title Suit No. 217 of 2022 was instituted between the vendor of the petitioner and the vendor of the respondent no. 7.

05. Learned counsel for the respondent no. 7 specifically submitted that when the respondent no. 7 purchased the land it was not disputed and title suit was instituted thereafter as respondent no. 8 executed a sale deed in favour of the petitioner. Having apprehension of any wrongful act on part of the petitioner, the respondent no. 7 put a lock on the disputed premises. Learned counsel further submits that mutation was also done in favour of respondent no. 7 and the petitioner was denied the mutation of the said land.

06. Having regard to the rival submission of both the parties, it is apparent that the petitioner purchased the land/premises during the pendency of the Title Suit No. 217 of 2022 between his vendor and the vendor of the respondent no. 7. Admittedly, there is a sale deed in the name of respondent no. 7 which is prior in date to the sale deed of the petitioner.

Now the petitioner claims he had been staying in the house over the disputed plot of land since 2004 as a tenant but in his petition and on oath he has not made any averment and neither disclosed the name of his landlord. If the petitioner has been staying in the same premises and someone put a lock, he would have immediately come to know about the same but it appears, the petitioner took his time in approaching this Court. It

has also come in the submission of the learned counsel for the respondent no. 7 that mutation also stands in the name of respondent no. 7. Therefore, these instances show the predominantly civil nature of dispute and filing a criminal writ is a misconceived step on part of the petitioner and such a criminal writ could not be entertained.

07. Therefore, finding no merit in the present petition, the same is dismissed.

(Arun Kumar Jha, J)

Anuradha/-

AFR/NAFR	-
CAV DATE	-
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