

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1186 of 2021

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

Indu Devi, W/o Late Radha Raman Sharma, R/O Mohalla-Kankarbagh, Main Road, Patna Near Mahadeo Timber, P.O-Lohiya Nagar, P.S-Kankarbagh, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Home Secretary, Bihar, Patna.
2. The Director General Of Police, Bihar, Patna.
3. The District Magistrate, Patna.
4. The Senior Superintendent Of Police, Patna.
5. The Superintendent Of Police, City East, Patna.
6. The Deputy Superintendent Of Police, Sadar, Patna.
7. The Officer-In-Charge, Kankarbagh P.S, District-Patna.
8. Patna Municipal Corporation Through Its Municipal Commissioner, Patna
9. Chandra Mohan, S/o Late Abdhesh Prasad Singh, R/o- Mohalla, Kankarbagh Main Road Near Mahadeo Timber, Police Station- Kankarbagh, District-Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No.2. Advocate
For the State	:	Mr. Sheo Shankar Prasad, SC-8 Mr. Sanjay Kumar, AC to SC-8
For the Resp. No. 9	:	Mr. Raj Krishna Jha, Advocate Mr. Arvind Kumar Mouar, Advocate
For the PMC	:	Mr. Prasoon Sinha, Sr. Advocate Mr. Pushkar Anand, Advocate Mr. Prabhat Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

8 04-09-2025 The present writ petition has been preferred by the petitioner seeking direction to the Respondents-Police Authorities, particularly Respondent No. 4/The Senior Superintendent of Police, Patna, not to disturb the repairing work of the house of the petitioner without any proper order,



passed by any competent Court. The petitioner is further seeking proper protection from the Respondents-Police Authorities for repairing her residential house situated at Mohalla, Kankarbagh, Main Road, Patna.

2. In course of hearing, learned counsel for the petitioner submits that on complaint of Respondent No. 9/Chandra Mohan, who is agnate of the petitioner, the police has not allowed the petitioner to do the repairing work of her house. It also transpires during course of hearing of learned counsel for the petitioner as well as private Respondent No. 9 that the Respondent No. 9 is a agnate of the petitioner and there is already Partition Suit going on between them which is pending in the competent Civil Court in regard to the property in question, and hence, the agnate of the petitioner is not allowing the petitioner to do the repairing work without order of the Civil Court.

3. Hence, the present writ petition is not maintainable in view of the fact that dispute between the petitioner and the private respondent is civil in nature and the parties, including the petitioner, are already party in a Civil Suit of partition between the petitioner and his agnates. Hence, in regard to any relief, all the parties including the petitioner have remedy to



approach Civil Court for interim order and hence, there is no question of issuance of any direction to the Police Authorities to provide protection to do the repairing work in view of the protest from the agnates in regard to the repairing work of the property which is already subject matter of the Partition Suit, pending in the Civil Court.

4. Accordingly, the present writ petition is dismissed as not maintainable with liberty to the petitioner to move competent Civil Court where Partition Suit is pending between the petitioner and his agnates, including the private Respondent No. 9 for any relief in regard to the property in question. If any interim application is filed by the petitioner before learned Civil Court where Partition Suit is pending in regard to the property in question, the Civil Court is duty bound to dispose of such application at the earliest without delay, because such type of applications are urgent in nature.

(Jitendra Kumar, J)

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