

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1687 of 2024**

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

Jaibind Paswan @ Jaivinder Paswan son of Late Dukhan Paswan Village-  
Hasanpura, P.O.- Dhibra, P.S.- Janipur, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar Through Home Secretary, Govt. Of Bihar, Patna Secretariat, Patna
2. The District Magistrate, Patna, Bihar
3. The Superintendent Of Police, Patna
4. The Sub-Divisional Officer, Phulwarisharif, Dist- Patna
5. The Circle Officer, Block Phulwarisharif, Dist- Patna
6. The Officer-In-Charge, Ps- Janipur, Dist- Patna
7. Kaushal Lal Sahgal @ Kaushal Sahgal Son Of Late Prasasidh Narain Sigh Village- Rasulpur, Ps- Kurtha, Dist- Jehanabad At P/A- Haya Toli, Daltenganj, Ps- Daltenganj, Po- Daltenganj, Dist- Daltengaj At P/A- Mohalla- Satichaura Gajadhar Chak, Back Of Registry Office, Danapur, Ps- Danapur, Po- Danapur, Dist- Patna
8. Alok Sahgal Son Of Late Prasidh Narain Singh Village- Rasulpur, Ps- Kurtha, Dist- Jehanabad, At P/S- Satichaura Gajadhar Chak, Back Of Registry Office, Danapur Ps- Danapura, Po- Danapur, Dist- Patna
9. Lailawati Devi Wife Of Indu Bhushan Sinha Village- Hasanpura, Ps- Janipur, Po- Dhibra, Dist- Patna
10. Raju Kumar Son Of Sumit Singh Village- Hasanpura, Ps- Janipur, Po- Dhibra, Dist- Patna
11. Sudhanshu Kumar Son Of Sumit Singh Village- Hasanpura, Ps- Janipur, Po- Dhibra, Dist- Patna
12. Rakhi Kumari @ Rakha Kumari Wife Of Sunil Kumar Village- Hasanpura, Ps- Janipur, Po- Dhibra, Dist- Patna
13. Shil Choudhary Wife Of Suresh Choudhary Village- Hasanpura, Ps- Janipur, Po- Dhibra, Dist- Patna
14. Raj Kumar Son Of Mahesh Prasad Village- Hasanpura, Ps- Janipur, Po- Dhibra, Dist- Patna
15. Ajit Kumar @ Munna Son Of Gajendra Singh Village- Hasanpura, Ps- Raniput, Dist- Patna

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Bijay Kumar, Adv.  
For the Respondent/s : Mr. Standing Counsel-23



**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI**  
**ORAL ORDER**

3      27-03-2025                      By invoking Constitutional writ jurisdiction under  
Article 226, the petitioner has prayed for the following reliefs:-

*“(a) For direction to respondents authority to provide protection from the private respondent No. 7 to 15 has been creating nuisance and harvesting his crop thus intruding his right to property without any authority of law, who are trying to usurp the raiyati land bearing Survey Khata No. 66, P.S.- Janipur, Khata No. 53, 34, 75, 74, 60, 6, 6, 9, 9, 43, 83,49, 49, 49, Khesra No. 101, 103, 107, 100, 38, 452, 515, 512, 513, 422, 530, 496, 167, 386, 531, 80, 195, 352, 490, 479, 147, 527, 119, 120, 533, 283, 50, 53 Total Area 7 acres 90.5 decimals by the help of the Circle Officer, Phulwari Sharif (Respondent No. 5). No tampering in Jamabandi No. 93 by the private respondents.*

*b) For a direction to the respondents official authority to not make any hindrance on the plot which is under the possession of petitioner since 90 years on the basis of Rent Receipt and Jamabandi and*



*Hukumnama.*

*(c) For direction to respondent State Authority to take legal hard action against the private respondent No. 8 to 15 who are creating nuisance on plot without having a right, title and possession upon the plot with the help of local bad elements.*

*(d) For direction to respondents State Authority to restrain private respondent No. 8 to 15 to go on the plot.*

*(e) For any other order/orders on the basis on facts and circumstances stated herein after of the case.”*

2. It is the case of the petitioner that originally the land in question was settled by executing Hukumnama by the erstwhile Jamindar in favour of the Grandfather of the present petitioner. After the death of the said Grandfather of the petitioner, he inherited the property under the Rule of Succession. The property was also recorded by the State Government in the name of the present petitioner and he has been paying rent in respect of the said land.

3. It is alleged that the private respondents are the



land mafias of the locality and they have been trying illegally to take possession of the land in question. For this purpose, they mutated their names falsely in respect of the said land and thereby title of the petitioner is clouded. The petitioner filed Mutation Cancellation Case No. 30/ 2023-24, 46/2023-24, 36/2023-24, 32/2023-24, 49/2023-24 for correction of mutation in respect of the land in question by recording the name of the petitioner before the Additional Collector, Patna. The Additional Collector, Patna has not taken any step till date for disposal of the above mentioned cases. In the meantime, taking advantage of the wrong recording of the names of the private respondents, the petitioner was threatened for dispossession. The private respondents cut growing crops of the petitioner and they are making all sorts of nuisance to deprive the petitioner's ownership over the said land.

4. It is also contended on behalf of the petitioner that the petitioner and his son made two complaints in the local Police Station. Police recorded F.I.R. and on completion of investigation submitted charge-sheet against the private respondents. The said criminal cases are pending in the trial court. However, the Police Authority or the District Magistrate did not take any step to resist the respondents from claiming



possession over the said land.

5. A dispute with regard to possession can only be settled by the Civil Court. Under the Land Law, rectification of the mutation record can be done by the Collector. The petitioner has already taken steps by filing series of cases, as mentioned above, before the learned Additional Collector, Patna. The petitioner may take steps for early disposal of those cases. The Writ Court cannot pass any order giving protection to the petitioner from being dispossessed from the land or similar other order against the respondents. The power rests to grant efficacious relief to the petitioner from the Civil Court and revenue court.

6. For the reasons stated above, I do not find any merit in the instant writ petition and accordingly, the same is dismissed.

7. However, the petitioner is at liberty to take appropriate step before the Civil Court and Revenue Court for redressal of his grievance.

**(Bibek Chaudhuri, J)**

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