

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1294 of 2021

Arising Out of PS. Case No.- Year-0 Thana- District- Kaimur (Bhabua)

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1. Vijay Kumar Chaubey Son Of Late Gaya Chaubey Resident Of Village - Patna, P.S.- Belav, District - Kaimur.
 2. Surendra Nath Dubey Son Of Late Haribansh Dubey Resident Of Village - Sohsa, P.S.- Belav, District - Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar, Through Collector, Kaimur, collectorate, Dt.- Kaimur. Bihar
2. The Superintendent of Police, District - Kaimur (Bhabua). Bihar
3. The Additional Chief Secretary, Home Department, Patna. Bihar
4. The Additional Director General of Police, Crime and Investigation Department, Patna, Bihar. Bihar
5. The Divisional Commissioner, Patna, Bihar. Bihar
6. The Director General of Police, Govt. of Bihar, Patna. Bihar
7. The Honble Minister, Revenue and Land Reforms, Govt. of Bihar, Patna. Bihar
8. The Additional Chief Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna. Bihar
9. The S.D.M. Sadar Bhabua, District - Kaimur (Bhabua). Bihar
10. The Circle Officer, Rampur (Kaimur), P.S.- Belav, Dt.- Kaimur. Bihar
11. The Officer - in - Charge, Belav P.S., District - Kaimur (Bhabua). Bihar
12. Om Prakash Chaubey Son of Late Dharamdev Chaubey Resident of Village - Karauni, P.O.- Sonhan, P.S.- Miv, District - Kaimur.
13. Sri Prakash Chaubey Son of Late Dharamdev Chaubey Resident of Village - Karauni, P.O.- Sonhan, P.S.- Miv, District - Kaimur.
14. Indradev Chaubey Son of Late Ram Dular Chaubey Resident of Village - Karauni, P.O.- Sonhan, P.S.- Miv, District - Kaimur.
15. Ramakant Chaubey Son of Late Ram Dular Chaubey Resident of Village - Karauni, P.O.- Sonhan, P.S.- Miv, District - Kaimur.
16. Ram Nath Chaubey Son of Late Ram Dular Chaubey Resident of Village - Karauni, P.O.- Sonhan, P.S.- Miv, District - Kaimur.
17. Jai Prakash Chaubey Son of Late Rajendar Chaubey Resident of Village - Karauni, P.O.- Sonhan, P.S.- Miv, District - Kaimur.
18. Vinita Kunwar Wife of Late Ram Prakash Chaubey Resident of Village - Karauni, P.O.- Sonhan, P.S.- Miv, District - Kaimur.
19. Madan Mohan Singh Son of Late Satan Singh Resident of Village - Patna, P.S.- Belav, District - Kaimur.



20. Ranjit Singh Son of Late Satan Singh Resident of Village - Patna, P.S.-
Belav, District - Kaimur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anshuman Jaipuriyar, Advocate Mr. Rajni Kant Kumar, Advocate Ms. Priti Mahato, Advocate
For the State	:	Md. Iqbal Asif Niazi, AC to GP-5
For the Resp. No.12	:	Mr. Parth Gaurav, Advocate Mr. Rahul Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 18-09-2025 The present writ petition has been preferred by the petitioners seeking direction to the respondent authorities to ensure that petitioners are in peaceful possession of the property in question. The petitioners are also seeking direction to the respondent authorities to reinstate them in possession of the property, where from petitioners have been forcibly and illegally dispossessed. The petitioners are also seeking direction to the respondent authorities to ensure that the petitioners are in peaceful possession in the property. They are also seeking direction to provide police protection for safety of the life and liberty of the petitioners.

2. Heard learned counsel for the petitioners and learned AC to GP-5 for the State.

3. Apparently, the present writ petition is not maintainable. The petitioners have efficacious alternative remedy for relief, as sought for, by them in this writ petition.



Petitioners can move Civil Court by way of Suit for Declaration of Title and Permanent Injunction against the private respondents, who are creating disturbance in their peaceful possession of the property.

4. It is not feasible for the State to provide police protection to each and every citizen in such situation, as alleged by the petitioners. The petitioners must approach Civil Court first and seek decree and thereafter, for enforcement of the decree, if police protection is required, it will be provided by the State.

5. Accordingly, the present writ petition is dismissed as not maintainable.

6. However, the petitioners have liberty to move Civil Court, as advised.

7. At this stage, learned counsel for the petitioners submits that the petitioners have already got decree, declaring their title to the property in question and even then, private respondents are creating disturbance in their peaceful possession of the property.

8. In such situation, the petitioners have legal remedy to move Civil Court by way of Suit for Permanent Injunction, so that Civil Court can decide whether they are being disturbed by



any private respondent and if it is so, the Civil Court may pass decree for permanent injunction against private respondents and thereafter, for enforcement of such decree, State may provide police.

(Jitendra Kumar, J.)

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