

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.44 of 2020

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

Sudhanshu Shekhar Kumar, Son of Chandra Kishor Das, Resident of Village-Bhalua, P.O.-Pawai, P.S.-Amarpur, District-Banka.

... .. Petitioner

Versus

1. The State of Bihar through the District Magistrate, Banka
2. The District Magistrate, Banka.
3. The Superintendent of Police, Banka.
4. The Dy. Superintendent of Police, Banka.
5. The Sub-Divisional Officer, Banka.
6. The Deputy Inspector General of Police, Eastern Region, Bhagalpur.
7. The Circle Officer, Amarpur Anchal, Amarpur, Banka.
8. The S.H.O. of Amarpur Police Station, Banka.
9. Chhanguri Das, Son of Late Bachcho Das Resident of Village-Bhaluar, P.O.-Pawai, P.S.-Amarpur, District-Banka.
10. Bihari Das Son of Late Bachcho Das Resident of Village-Bhaluar, P.O.-Pawai, P.S.-Amarpur, District-Banka.
11. Dablu Das @ Abhay Das Son of Chhanguri Das Resident of Village-Bhaluar, P.O.-Pawai, P.S.-Amarpur, District-Banka.
12. Ram Das Son of Chhanguri Das Resident of Village-Bhaluar, P.O.-Pawai, P.S.-Amarpur, District-Banka.
13. Jaikant Das Son of Chhanguri Das Resident of Village-Bhaluar, P.O.-Pawai, P.S.-Amarpur, District-Banka.
14. Viro Das Son of Chhanguri Das Resident of Village-Bhaluar, P.O.-Pawai, P.S.-Amarpur, District-Banka.
15. Durga Das Son of Chhanguri Das Resident of Village-Bhaluar, P.O.-Pawai, P.S.-Amarpur, District-Banka.
16. Gakho Devi Wife of Chhanguri Das Resident of Village-Bhaluar, P.O.-Pawai, P.S.-Amarpur, District-Banka.
17. Nand Kishore Das Son of Bihari Das Resident of Village-Bhaluar, P.O.-Pawai, P.S.-Amarpur, District-Banka.
18. Dayanand Das Son of Bihari Das Resident of Village-Bhaluar, P.O.-Pawai, P.S.-Amarpur, District-Banka.
19. Shiv Kumar Das Son of Bihari Das Resident of Village-Bhaluar, P.O.-Pawai, P.S.-Amarpur, District-Banka.
20. Lacho Devi Wife of Bihar Das Resident of Village-Bhaluar, P.O.-Pawai, P.S.-Amarpur, District-Banka.
21. Shobha Devi, Wife of Nandkishore Das, Resident of Village-Bhaluar, P.O.-Pawai, P.S.-Amarpur, District-Banka.



... .. Respondents

Appearance :

For the Petitioner : Mr. Diwakar Prasad Karn, Advocate
For the Respondents : Mr. Sheo Shankar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

13 08-12-2025 The present writ petition has been preferred by the Petitioner seeking direction to the Respondents, State Officials including the Police Officials and private ones to ensure possession of the Petitioner over the land on which the Petitioner is going to construct a *pucca* house after demolishing of *kachcha* house to which the private respondent no.9 to 21 are creating obstruction, whereas the land in question bearing Mauza- Bhaluhar, Thana No. 269, Khata No. 438/96, Khesra No.-868/431, Area 0.05 Decimal is the paternal property of the Petitioner.

2. Counter affidavit has already been filed by the private respondents, in which the sum and substance of their pleading is that the adjoining land of the Petitioner, the land of the private respondent lies and there is dispute in regard to encroachment as per the private respondents. The Petitioners are encroaching upon some part of their land. The Official Respondent No.3, who is the Superintendent of Police of the concerned District has also stated in his counter affidavit that as



and when directed to provide police protection for the needful, he would provide the same.

3. Heard learned counsel for the Petitioner, learned counsel for the State and learned counsel for the Private Respondents.

4. I considered the submissions advanced by the parties and perused the material on record.

5. It is apparent that the present writ petition is misconceived and the subject matter of the dispute is civil in nature and the parties have alternative efficacious remedy by way of approaching the Circle Officer for measurement of their land and if the Circle Officer requires any police force while doing the work of measurement, he may send requisition to the concerned Superintendent of Police and he will provide the required police force to do the needful.

6. Accordingly, the present petition stands disposed of.

(Jitendra Kumar, J.)

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