

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.330 of 2021

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

Arvind Kumar, Advocate, S/o Late Govind Das, R/o Mohalla- Guzri Bazar,
P.S.- Khejekalan, Patna City, Anchal Patna Sadar, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Director General of Police (DGP) Govt. Of Bihar, Patna, Bihar
2. The District Magistrate, Patna, Bihar
3. The Chief Executive Officer, Patna Municipal Corporation Patna, Bihar
4. The Senior Superintendent of Police, Patna, Bihar
5. The Deputy Superintendent of Police Patna City, Bihar
6. The Sub Divisional Officer Patna City, Bihar
7. The Officer-in-Charge P.S.- Khajekalan, Patna City, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Akshay Lal Pandit, Advocate
For the State	:	Mr. Sheo Shankar Prasad, SC-8
For the PMC	:	Mr. Yashraj Bardhan, Advocate
		Mr. Abhimanyu Kumar Tripathi, Advocate
		Mr. Rananjay Kumar, Advocate
For the Intervenor	:	Mr. Jagjit Roshan, Advocate
		Mr. Anjani Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 06-01-2026 This writ petition has been filed for peaceful possession of the Official Chamber/Residential Office of the petitioner, who happens to be an advocate and his practice is being hampered on account of all the files being confined in the premises. The double lock has been put up by Ashok Kumar, the brother of the petitioner with the help of bad elements on 29.10.2020.

2. Learned counsel on behalf of Ashok Kumar and his



wife/Vandana Kumari is also present in the Court and he has already filed one intervener application to get impleaded as respondents in this writ petition, because as per his submission, the property belongs to Vandana Kumari, wife of Ashok Kumar and he is submitting that Vandana Kumari has purchased the property from the brother of her husband viz., Awadh Kumar.

3. As per learned counsel for the petitioner, the property absolutely belongs to the petitioner which is gifted by his *fua* viz., Yasoda Devi.

4. It is also informed by both the parties that the petitioner has already moved competent Civil Court by way of filing Title Suit No. 341 of 2019, pending in the Court of Sub-Judge-I, Patna City in which Ashok Kumar is already defendant.

5. I heard both the parties and perused the materials on record.

6. It clearly transpires from the record that the property, which is being claimed as property of the petitioner, is being disputed by Ashok Kumar and his wife/Vandana Kumari and Civil Suit is already pending before the competent Court for declaring the Title and other ancillary relief. It is also settled law that Writ Court cannot decide the disputed facts of Title of the rival parties.



7. Hence, in such facts and circumstances, it is desirable that both the parties should pursue their case before the Civil Court where Suit is pending and for immediate relief, the petitioner is at liberty to file one Interlocutory Application before the Civil Court where Title Suit is pending between the parties for interim relief by way of removing double lock by Ashok Kumar or his wife/Vandana Kumari. If such application is filed by the petitioner within fifteen days, Ashok Kumar or his wife/Vandana Kumari, who is present herein by way of her Advocate, is also directed to file his or her reply to interlocutory application within one week and thereafter, Civil Court concerned is directed to dispose of the application in any situation within a month from the date of filing of the application, because the Official Chamber/Residential Office of the petitioner is being claimed as Office of Advocate and his practice is being hampered.

8. With such aforesaid observations, the present petition is disposed of with liberty to the parties as sought for.

(Jitendra Kumar, J.)

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