

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.247 of 2026

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Yodhan Chaudhary, Son of Late Beyadar Chaudhary, Resident of Mohalla-
Dhelwan, P.S.- Ramkrishna Nagar, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar Bihar
2. The Senior Superintendent of Police, Patna Bihar
3. The Officer-In-charge, Ramkrishna Nagar Police Station, Patna Bihar
4. The Sub-divisional Public Grievance Redressal Officer, Patna Sadar, Patna Bihar
5. Smt. Nunu Devi Wife of Sri Shashi Bhushan Kumar Hotel Nunu International, Dhelwa, P.S.- Ramkrishna Nagar, District- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate
For the Respondent/s : Mr. Ujjawal Bhushan, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 09-07-2026

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed seeking
following reliefs :

*“(A) Issuance of writ in the nature of
mandamus commanding the Respondents to remove
the Board of Bunu International Hotel from common
way of the residents including the petitioner way and
also remove the iron pillar and gate from main
entrance of the common way, which is repeated
activities of the Private Respondent no.5.*

*(B) The Respondents further be directed
to restrain the Respondent no.5 and Hotel*



authorities and its employees not to park their vehicles on common way and also not to disturb common way of 10 feet by any means so that others traveling path and vehicles including Ambulance should not be disturbed.

(C) To grant such other relief/ reliefs for which the petitioner is entitled to”.

3. From the relief sought by the petitioner, it is apparent that the present criminal writ under Article 226 of the Constitution of India is not maintainable on two counts; firstly, the dispute appears to be between two private parties and secondly, there is no ingredient of any criminal act, which needs to be addressed by the State authorities specially the police officials of the concerned place. There are other remedies available to the petitioner.

4. The Hon’ble Supreme Court in the case of ***Roshina T. v. Abdul Azeez K.T.***, (2019) 2 SCC 329, held in paragraph nos. 14 an 15 as under:

“14. It has been consistently held by this Court that a regular suit is the appropriate remedy for settlement of the disputes relating to property rights between the private persons. The remedy under Article 226 of the Constitution shall not be available except where violation of some statutory duty on the part of statutory authority is alleged. In such



cases, the Court has jurisdiction to issue appropriate directions to the authority concerned. It is held that the High Court cannot allow its constitutional jurisdiction to be used for deciding disputes, for which remedies under the general law, civil or criminal are available. This Court has held that it is not intended to replace the ordinary remedies by way of a civil suit or application available to an aggrieved person. The jurisdiction under Article 226 of the Constitution being special and extraordinary, it should not be exercised casually or lightly on mere asking by the litigant. (See Mohan Pandey v. Usha Rani Rajgaria [Mohan Pandey v. Usha Rani Rajgaria, (1992) 4 SCC 61] and Dwarka Prasad Agarwal v. B.D. Agarwal [Dwarka Prasad Agarwal v. B.D. Agarwal, (2003) 6 SCC 230] .)

15. In our view, the writ petition to claim such relief was not, therefore, legally permissible. It, therefore, deserved dismissal in limine on the ground of availability of an alternative remedy of filing a civil suit by Respondent 1 (writ petitioner) in the civil court.”

(Emphasis supplied)

5. Therefore, the law is settled that the High Courts cannot interfere in the matters which pertain to property dispute



between the private parties and fall under the jurisdiction of civil court as the High Court cannot usurp the function of civil courts. If the writ Courts venture into these territories, the effectiveness and meaning of this extraordinary remedy would be lost.

6. In the light of discussion made here-in-before, I am of the considered opinion that the writ petition of the petitioner is not maintainable and hence, the same is disposed of.

(Arun Kumar Jha, J)

V.K.Pandey/-

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