

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.58 of 2019

Arising Out of PS. Case No.- Year-1111 Thana- District-

Shobha Devi, W/o Sri Upendra Kumar Singh, Resident of Village-Jallapur,
P.O. Gela, P.S. Dariyapur, District-Saran.

... .. Petitioner

Versus

The State of Bihar Through Principal Secretary, Home Department, Old
Secretariat, Bihar, Patna

2. The Deputy General of Police, Old Secretariat, Govt. Bihar, Patna

3. The District Magistrate, Saran at Chapra,

4. The Superintendent of Police, Saran at Chapra.

5. Sub-Divisional Officer, Sonapur, Saran at Chapra.

6. Circle Officer, Dariyapur Block, District-Saran at Chapra.

7. The S.H.O., Dariyapur Police Station, District-Saran at Chapra

8. Rita Devi, W/o Nand Kishore Sah, Resident of Village-Banwaripur, P.O.
Jaitipur, (Dariyapur) P.S. Dariyapur, District-Saran at Chapra.

9. Sri. Bhagwan Singh, Son of Late Desi Singh, Resident of Village-Sikti,
P.O. Anjani (Parsa) P.S. Parsa at present resident of village-Bela (Tola
Mushari) P.O. Arvind Nagar (Dariyapur Nagar,) P.S. Dariyapur, District-
Saran.

... .. Respondents

Appearance :

For the Petitioner : Mr. Anurag Saurav, Advocate

Mr. Ankesh Bibhu, Advocate

For the Respondents : Mr. Shashi Shekhar Tiwari, Advocate

Mr. Vijay Kumar Srivastava, Advocate

Mr. Abhishek Kumar, Advocate

Mr. Anshu Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

8 06-01-2026 The present Criminal Writ Petition has been preferred by the Petitioner seeking direction to the police authorities to take step to vacate the land measuring one *katha* and ten *dhoors* bearing plot number 6022 of Khata no. 128 situated at Mouza Bela, District- Saran at Chapra which has been illegally encroached by private respondent nos. 8 and 9. It is further case of the petitioner that one civil suit bearing Title Suit no. 408 of 2011 was filed by the petitioner which is



running in the court of learned Sub-Judge-II, Saran at Chapra and in that suit, interim injunction was granted against the respondent nos. 8 and 9 in favour of the Petitioner, restraining them to enter the said land. However, this original suit was dismissed for default and thereafter it was restored on application by learned counsel for the petitioner but in the interregnum between dismissal and restoration, the private respondent nos. 8 and 9 encroached upon a part of the suit land and made illegal construction. Hence, the petitioner is seeking direction to the police authorities to vacate the said land.

2. Heard both the parties.

3. In view of the fact that the petitioner is already before the Component Civil Court with regard to property in question. The petitioner is required to move appropriate application before the Competent Court for whatever relief he is seeking. If any interim application is filed by the petitioner before the competent Civil Court, the Court concerned will be required to dispose of such application within two months after getting a reply from the private respondent nos. 8 and 9. The application must be disposed of within three months at any costs, otherwise it would amount to violation of the order of this Court.



4. With such observations, this application is disposed of, giving liberty to the petitioner to move appropriate application before the Competent Court.

(Jitendra Kumar, J.)

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