

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4153 of 2026

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Ramjee Pandey Son of Ram Sigashan Pandey, Resident of Village- Prashastdih Shankarpur, Khawas, Police Station- Sabaur and District- Bhagalpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Commissioner Bhagalpur Range, Bhagalpur, Bihar.
4. The District Magistrate, Bhagalpur.
5. The Superintendent of Police, Bhagalpur.
6. The Deputy Collector of Land Reform (D.C.L.R.), Kahalgaon, Bihar.
7. The Circle Officer, Kahalgaon, Bhagalpur.
8. The Sub-Divisional Police Officer (SDPO), Kahalgaon, Bhagalpur.
9. The S.H.O. Sabaur Police Station, District- Bhagalpur, Bihar.
10. Shahnawaj Khan, (Fathers name not known to the petitioner), Presently Posted as Anchal Amin, Circle Office Kahalgaon, District- Bhagalpur.
11. Ramadevi, Wife of Ganesh Rai Resident of village - Prashastdih Shankarpur, Khawas, Police Station- Sabaur and District- Bhagalpur, Bihar.
12. Ganesh Rai, Son of Late Bham Prasad Rai Resident of village - Prashastdih Shankarpur, Khawas, Police Station- Sabaur and District- Bhagalpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Avinash Chandra, Advocate
For the State	:	Mr. Prabhakar Jha, GP-27
For the Resp. No. 11&12:	:	Mr. Anupa Nand Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 13-07-2026 Heard Mr. Avinash Chandra, learned counsel for the petitioner and Mr. Prabhakar Jha, learned GP-27 representing the State as also Mr. Anupa Nand Jha, learned counsel representing the respondent no. 11 and 12.

2. The present petition has been preferred for the



grant of following relief(s):

“(i) for direction to the respondent authorities to stop illegal construction of boundary wall and other construction with immediate effect on the piece of land situated at Mauza- Shankarpur Kodwar under Thana No. 41, Khata No. 2262, Plot No. 2722 measuring 13 decimals which is being constructed by the private respondents with the help of local police.

(ii) for the direction to respondent authorities to demolish the boundary wall which has been illegally constructed on the piece of land situated at Mauza- Shankarpur Kodwar under Thana No. 41, Khata No. 2262, Plot No. 2722 measuring 13 decimals by the private Respondents with the help of local police.

(iii) further, for direction to take strict legal and departmental action upon the D.C.L.R., Kahalgaon and police officials of Sabaur Police Station who forcefully erected boundary wall upon the land of the petitioner even after knowing the fact that Probate Case



No.19 of 2002 and Title Suit No. 30 of 2019 is pending for adjudication before the competent court with respect to the same land.

(iv) for any further reliefs/reliefs, direction/directions or orders/orders which are found during the course of argument.”

3. The matter relates to a piece of land details of which is/are incorporated in the prayer portion itself and need no repeatation.

4. The petitioner Ramjee Pandey is son of Ram Singashan Pandey who was nephew of late Rameshwar Pandey (the owner of the land in question).

5. The contention is that out of love and affection, a will was executed by the landholder in favour of his grandson on 14.01.1981.

6. Ramadevi (respondent no.11) is the only child of Late Rameshwar Pandey (original landholder) and her mother Banarasi Devi (since deceased) executed another gift deed in favour of her daughter on 22.04.1991. Rameshwar Pandey died on 01.10.1991 whereafter Banarasi Devi also died.

7. So far as the will dated 14.01.1981 is concerned, a Probate Case No.19 of 2002 was preferred by the petitioner



which is presently pending before the learned District Judge/Bhagalpur.

8. The contention in the writ petition is that so far as the registered gift executed in favour of respondent Ramadevi is concerned, upon knowledge, the petitioner preferred Title Suit No. 30 of 2019 which is pending before the learned Sub-Judge, Kahalgaon, Bhagalpur.

9. The petitioner claims that the parties are fighting the legal battles before competent courts but in the meantime, the respondent Ramadevi with the help of Police Force is trying to construct boundary wall causing law and order problem.

10. The submission is that the Police has no business to interfere with the peaceful possession of the parties and/or take side of anyone.

11. In this case, earlier the coordinate Bench on 09.04.2026 and later this Court, on 27.04.2026 directed the respondent to file affidavit but as usual, on call, no reply is on record.

12. This Court has an option to adjourn the matter once again after imposing cost upon the respondents, alternatively, in view of the fact that has been narrated above, it can be disposed of.



13. Learned State counsel submits that admittedly, the parties are fighting out before the competent court and in that background, there is no reason to pass any order in the writ petition as it will prejudice the two cases pending there. He however concede that any law and order problem can very well taken care of by the local Sub-Divisional Magistrate unless an order has been passed in this regard, the Police has no business to act in the matter.

14. Having recorded the contention of the petitioner as also the State that when the parties are fighting the battle, both the petitioner as also the respondents who are own cousin brother-sister will see to it that the civil consequences do not turn into criminal case. Further, if there is any law and order problem, either of the parties have the right to approach the local Sub-Divisional Magistrate for the redressal of the grievance.

15. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

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