

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.815 of 2025**

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YASHWANT SINGH S/O SHAKTI PRASAD SINGH R/O A-24, KAILASH COLONY, SOUTH DELHI, DELHI-110048, PRESENT ADDRESS AT-HOUSE NO-M52/22A, SRI KRISHNA NAGAR,P.O.-BUDDHA COLONY,P.S.-BUDDHA COLONY,DIST- PATNA-800001

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH ADDITIONAL CHIEF SECRETARY, DEPARTMENT OF HOME, GOVT. OF BIHAR, PATNA SARDAR PATEL BHAWAN, JAWAHARLAL NEHRU ROAD, PATNA-800001
2. THE DIRECTOR GENERAL OF POLICE, DEPARTMENT OF HOME, GOVT. OF BIHAR SARDAR PATEL BHAWAN, JAWAHARLAL NEHRU ROAD, PATNA-800001
3. THE COMISSIONER, PATNA DIVISION, PATNA BIHAR
4. THE DISTRICT MAGISTRATE, PATNA BIHAR
5. THE SENIOR SUPERINTENDENT OF POLICE, PATNA BIHAR
6. THE SUPERINTENDENT OF POLICE (WEST), PATNA BIHAR
7. THE DSP, DANAPUR, PATNA BIHAR
8. THE SUB DIVISIONAL OFFICER (SDO), DANAPUR, PATNA BIHAR
9. THE SHO, BIHITA P.S., PATNA BIHAR
10. THE CIRCLE OFFICER, BIHITA, DISTRICT-PATNA BIHAR
11. BIRENDRA PRASAD GUPTA S/O LATE PARAS NATH GUPTA R/O-SHRICHANDRAPUR, P.S.-BIHITA, DIST-PATNA, BIHAR
12. AJAY GUPTA S/O LATE PARAS NATH GUPTA R/O-SHRI CHANDRAPUR, P.S.-BIHITA, DIST-PATNA, BIHAR
13. VINAY GUPTA S/O LATE PARAS NATH GUPTA R/O-SHRI CHANDRAPUR, P.S.-BIHITA, DIST-PATNA, BIHAR

... .. Respondent/s

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**Appearance :**

|                         |   |                                     |
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| For the Petitioner/s    | : | Mr. Deo Prakash Singh, Advocate     |
| For the R. No. 11 to 13 | : | Mr. Santosh Kumar, Sr. Advocate     |
|                         |   | Mr. Kaushal Kumar, Advocate         |
|                         |   | Mr. Utsav, Advocate                 |
|                         |   | Mr. Ravi Ranjan Mallick, Advocate   |
| For the State           | : | Mr. Anil Kumar Verma, AC to A.A.G.9 |

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

5      19-03-2026

In the instant petition, petitioner seeks following

relief (s) :-



i) For issuance of appropriate writ/writs, order or direction in the nature of certiorari for quashing the ex-parte order pertaining to entry no.6, dated 26/03/2025, of the SDO, Danapur and all consequential damages caused thereby where under and whereby the SDO, Danapur instead of protecting the petitioner, conversely protected the Respondent No-11 to 13 against whom the petitioner filed the complaint for his unlawful and illegal activities disturbing the peaceful and legitimate possession of the property held by the petitioner for more than 30 years situated at khata no-502, plot no-1227 admeasuring 9 acre 34 decimal, Mauza -Anandpur, Village-Bihita, P.S. Bihita.

(ii) For issuance of appropriate writ(s) in the nature of mandamus for commanding and directing the respondents no. 1 to 10 to protect the life and property of the petitioner from the private respondent no-11 to 13 who has been indulging in all sorts of criminal and illegal activities with his goons with fire and lethal weapons to harm the life and property of the petitioner and his staff working at the site and further to direct the respondents-1 to 10 to take appropriate legal step against private respondent.

iii) For issuance of order/direction or appropriate writ commanding the respondent no. -8, SDO, Danapur and to hold and declare



*that the determination of title of the subject matter property does not fall within the jurisdiction of the SDO in course of ensuring the law and order at the property and further to declare that determination of ownership and title based on unverified revenue records presented by the private respondent no. 11 to 13 is ex-facie null and void.*

*iv) For issuance of appropriate writ (s) in the nature of mandamus for commanding and directing the respondents to restrain the respondent no-11 to 13 from damaging and intruding the subject matter property of the petitioner with the help of his henchmen.*

*v) For issuance of appropriate writ(s), order or direction directing the state of Bihar through respondent no.- 1 to 6 to take strict legal and punitive administrative action against the erring respondents no.-7 to 10 for their action and inaction contrary to their incumbent duties and further to take the appropriate legal action against respondent no.-11 to 13 for indulging in criminal activities.*

*vi) For further issuance of a writ or order or direction to the respondents to restore the status quo as it was before 26/03/2025 which was explicitly caused due to the illegal, unmindful and arbitrary order by the Respondent no-8 without jurisdiction and authority vested with her.*

*vii) For issuance of an appropriate writ/order/direction to pay adequate compensation for the*



*damages caused due to the illegal and arbitrary order of the respondent-8, SDO, dated 26/03/2025 and for the insult, humiliation, mental distress caused to the petitioner by the action and inaction of the respondents.*

*viii) For grant of any other relief(s) to which the Petitioner is found entitled in the facts and circumstances of the instant case.*

2. Learned counsel for the petitioner submits that petitioner is a senior citizen and he has purchased the land admeasuring 34 acres out of which 9 acre 34 decimals appertaining to Thana no. 36, plot no. 1227, Mauza – Anandpur situated at village – Anandpur, P.S. Bihta, Patna in the year 1993 through different registered sale deeds, dated 08.02.1999 from the landlords late Brijnandan Singh, Sukhdeo Sharma and Valmiki Singh. He further submits that LPC is also issued in favour of petitioner (Annexure P/D of the rejoinder to the counter affidavit filed on behalf of Respondent no. 11-13). He further submits that he is aggrieved with the order passed by the S.D.O., Danapur and he has approached this Court for issuing direction in the light of the prayer made in the instant writ application.

3. Learned counsel for the Respondent No. 11-13 submits regarding the land in question that he has submitted



LPC issued by the Circle Officer, Bihta (Annexure -R-11/3) and he has also submitted rent receipt (Annexure -R-11/4) with respect to the land in question. In view of the aforesaid facts and circumstances of the case, there is dispute between the parties regarding the land in question and the land in question is the bone of contention between the parties and where there is disputed aspect of land or another personal dispute is involved, the same cannot be decided through summary procedure. Hence, the writ petition is not maintainable.

4. Learned counsel for the State submits that there is a dispute between the parties regarding the land in question, and the nature of the dispute clearly indicates that, in such type of dispute, an alternative remedy is available to the parties before the appropriate forum. Therefore, the writ petition is not the only efficacious remedy in the present case.

5. The Hon'ble Supreme Court in catena of judgments has held that regular suit is appropriate remedy for settlement of dispute relating to property rights between private persons. The remedy under Article 226 of the Constitution shall not be available except where there is violation of some statutory duty on the part of statutory authority is alleged. 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. The jurisdiction under Article 226 of the Constitution being special and extra-ordinary should not be exercised casually or lightly on mere asking by the litigant. In this context, the decision of the Hon'ble Supreme Court in the case of ***Sohan Lal Vs. Union of India & Anr.*** reported in ***AIR 1957 SC 529*** and in the case of ***Radhey Shyam & Anr. Vs. Chhabi Nath and Ors***, reported in ***(2015) SCC 423*** are quite relevant.

6. In the case of ***Sohan Lal (supra)***, Hon'ble Supreme Court has observed as under :

*“We do not propose to enquire into the merits of the rival claims of title to the property in dispute set up by the appellant and Jagan Nath. If we were to do so, we would be entering into a field of investigation which is more appropriate for a Civil Court in a properly constituted suit to do rather than for a Court exercising the prerogative of issuing writs. These are questions of fact and law which are in dispute requiring determination before the respective claims of the parties to this appeal can be decided. Before the property in dispute can be restored to Jagan Nath it will be necessary to declare*



*that he had title in that property and was entitled to recover possession of it. This would in effect amount to passing a decree in his favour. In the circumstances to be mentioned hereafter, it is a matter for serious consideration whether in proceedings under Art. 226 of the Constitution such a declaration ought to be made and restoration of the property to Jagan Nath be ordered.”*

7. In the case of **Radhey Shyam (supra)**, Hon’ble Supreme Court in paragraphs 64 and 65 has observed as under :

*“64. However, this Court unfortunately discerns that of late there is growing trend amongst several High Courts to entertain writ petition in cases of pure property disputes. Disputes relating to partition suits, matters relating to execution of a decree, in case of dispute between landlord and tenant and also in a case of money decree and in various other cases where disputed question of property are involved, writ courts are entertaining such disputes. In some cases the High Courts, in a routine manner, entertain petitions under Article 227 over such disputes and such petitions are treated as writ petitions.*

*65. We would like to make it clear*



*that in view of the law referred to above in cases of property rights and in disputes between private individuals writ court should not interfere unless there is any infraction of statute or it can be shown that a private individual is acting in collusion with a statutory authority.”*

8. Having considered the facts and circumstances of the case and the arguments advanced on behalf of the parties, the present writ petition is disposed of with liberty to the petitioner to represent his grievance before the appropriate forum within a period of four weeks from the date of receipt/production of copy of this order. If petitioner represents his grievance within the stipulated period, the competent authority shall pass appropriate order in accordance with law, expeditiously.

**(Alok Kumar Pandey, J)**

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