

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2778 of 2025

1. Anar Devi, W/o Late Satyendra Narayan Singh
2. Vivek Kumar Singh, S/o Satyendra Narayan Singh
Both are residents of Ward No. 7, village- Chondi, P.S.- Barh, District- Patna, presently residing at C/o Rajesh Kumar, Rajendra Nagar, East Lohanipur, P.S.- Kadamkuan, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar, through the Additional Chief Secretary, Home Deptt., Govt. of Bihar, Patna
2. Additional Chief Secretary, Home Deptt., Govt. of Bihar, Patna
3. Director General of Police, Bihar, Patna
4. Senior Superintendent of Police, Patna
5. Superintendent of Police, Patna Rural, Patna
6. Station House Officer, Barh Police Station, Patna Bihar
7. Amarjeet Kumar Singh S/o Satyendra Narayan Singh R/o ward no. 7, vill - Chandi, P.S.- Barh, Dist.- Patna
8. Veer Abhimanyu S/o Satyendra Narayan Singh R/o ward no. 7, vill - Chandi, P.S.- Barh, Dist.- Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Senior Advocate
		Mr. Lal Babu Singh, Advocate
For the Respondent/s	:	Mr. Uday Bhan Singh, AC to GP-19

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 28-01-2026

The record taken up on mentioning being made on behalf of the petitioners.

2. Heard learned senior counsel for the petitioners and learned counsel for the State-respondents.

3. The present writ petition has been filed by the petitioners seeking following reliefs :-



“i. Issuance of a direction, order or writ including writ in the nature of mandamus commanding the concerned state respondent authorities to restore the possession of the petitioner no. 1 upon her house located and situated upon land bearing Khesra no. 127 contained under Khaa no. 43, within Mouza Daulatpur Chondi, P.S.-Barh, District Patna, from where, petitioners has been dispossessed and thrown out by the respondent no. 7 & 8, who are the sons of the petitioner no. 1 and brother of the petitioner no.2’

ii. Issuance of a direction, order or writ including writ in the nature of mandamus commanding the concerned respondent authorities to initiate proper proceeding against the respondent no. 7 & 8 in accordance with law for illegally dispossessing the petitioners from the house owned by and in the name of the petitioner no.1;

iii. Any other relief/reliefs that the petitioners may be found to be entitled to in the facts and circumstances of the present case”.

4. The learned senior counsel appearing on behalf of the petitioners submits that the respondent nos. 7 & 8, who are sons of petitioner no.1 and brothers of petitioner no.2, have thrown out the petitioner no.1 from her house and the petitioner no.1 has made a complaint to Director General of Police, Bihar, Patna for taking action against respondent nos. 7 & 8 against her dispossession and not providing maintenance to her. The learned



senior counsel further submits that no action is being taken by the police authorities.

5. Perused the record.

6. From perusal of representation/application of the petitioners sent to the Director General of Police, Bihar, Patna and other police officials, as contained in Annexure-P/4, it appears the petitioner no.1 is more aggrieved by the respondent nos. 7 & 8 for not helping her or petitioner no.2 monetarily. Her further grievance against the respondent nos. 7 & 8 is that they have dispossessed from her house and they refused to give her any share in the ancestral property. Further allegation in the representation (Annexure-P/4) is that the house which the petitioner no. 1 has let out on rent in the village was got vacated by the private respondents by cutting the water and electricity supply. Thus, it has been prayed before the Director General of Police that she would be given the possession of her house and also share in the ancestral property.

7. From the prayer before the Director General of Police and also the relief sought in the present writ petition, it is apparent that it is a case of land dispute between the private persons, who are closely related. No document has been brought on record showing the title, ownership and possession over the



land from which the petitioners claim to have been dispossessed.

8. No doubt, the writ Court can pass orders for protecting the possession or even for repossession, but such orders could be passed where there is no dispute over title or possession or such rights have been conclusively decided by a court of competent jurisdiction. But there is no such document annexed.

9. At this stage, learned senior counsel appearing on behalf of the petitioners submits that a land possession certificate has been annexed as Annexure-P/2 which stands in the name of petitioner no.1. But the said document is a document of the Department of Revenue and Land Reforms and is not the document of any competent court declaring the possession.

10. As a matter of general principle, writ Court do not enter into purely private title disputes. Adjudication of complex factual dispute over property rights cannot be decided by the writ Court. Such disputes are better handled by the regular civil courts of competent jurisdiction because title disputes involve complex factual questions requiring detailed inquiry and examination of evidence. 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 and 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)

11. Further, in the case of ***Sohan Lal v. Union of India***, 1957 SCC OnLine SC 39: AIR 1957 SC 529, the Hon’ble Supreme Court in Paras-5 and 8 held as under:

“5. 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. There 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 Article 226 of the Constitution such a declaration ought to be made and restoration of the property to Jagan Nath be ordered.

8. In our opinion, the High Court erred in allowing the application of Jagan Nath filed under Article 226 of the Constitution and making the order it did. The appeal is accordingly allowed and the order of the High Court is set aside. In the circumstances of the present case, however, we are of the opinion that each party should bear his own costs in this Court and in the High Court.”

(Emphasis supplied)

12. In the case of ***P.R. Murlidharan Vs. Swami Dharmananda Theertha Padar, (2006) 4 SCC 501***, the Hon’ble Supreme Court in Para-17 held as under:

“17. A writ petition under the guise of seeking a writ of mandamus directing the police authorities to give protection to a writ petitioner, cannot be made a forum for adjudicating on civil rights. It is one thing to approach the High Court, for issuance of such a writ on a plea that a particular party has not obeyed a decree or an order of injunction passed in favour of the writ petitioner, was deliberately flouting that decree or order and



in spite of the petitioner applying for it, or that the police authorities are not giving him the needed protection in terms of the decree or order passed by a court with jurisdiction. But, it is quite another thing to seek a writ of mandamus directing protection in respect of property, status or right which remains to be adjudicated upon and when such an adjudication can only be got done in a properly instituted civil suit. It would be an abuse of process for a writ petitioner to approach the High Court under Article 226 of the Constitution seeking a writ of mandamus directing the police authorities to protect his claimed possession of a property without first establishing his possession in an appropriate civil court. The temptation to grant relief in cases of this nature should be resisted by the High Court. The wide jurisdiction under Article 226 of the Constitution would remain effective and meaningful only when it is exercised prudently and in appropriate situations.

(Emphasis supplied)

13. 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. It is clear from the discussion made so far that the



petitioner has approached this Court in its writ jurisdiction with regard to a dispute over property between co-sharers. In the present case there are disputed questions of fact which need adjudication and would require testing the rival claims of the parties to title and possession. If the writ Courts venture into these territories, the effectiveness and meaning of this extraordinary remedy would be lost.

14. Considering the nature of dispute between the parties, which appears to be out and out a land dispute between the sons, mother and brothers, I am not inclined to entertain the present writ petition and hence, the same is dismissed.

15. However, it goes without saying that the petitioners can have recourse of law in appropriate proceeding before the appropriate forum for redressal of their grievances.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.01.2026
Transmission Date	NA

