

(2019) 12 PAT CK 0128

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 16630 Of 2016

Raj Kumar Sahu

APPELLANT

Vs

State Of Bihar Through Principal Secretary And Ors

RESPONDENT

Date of Decision : 10-12-2019

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2019) 12 PAT CK 0128

Hon'ble Judges : Chakradhari Sharan Singh, J

Bench : Single Bench

Advocate : Girish Chandra Jha, Mukul Prasad, Brisketu Sharan Pandey, Aprajita

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the parties.
2. The present writ application has been filed seeking direction commanding the respondents to protect his life and landed property as well as the family from the hands of the private respondents who are said to have encroached the petitioner's land, despite orders passed by the competent authority. It is being asserted that the private respondents are threatening the petitioner variously.
3. Learned counsel representing the private respondents No. 11, 12 and 14 has submitted that a title suit No. 118 of 2010 has been filed by the said respondents which is pending before the Sub Judge, Benipur, in respect of the 'land-dispute', which is being raised in the present writ application. He has submitted that this writ application is not maintainable considering the nature of dispute, between the petitioner and respondents, of being private in nature touching their respective title over a piece of land.
4. Considering the facts and circumstances of the case and the nature of dispute, I find force in submission made on behalf of the contesting respondents that the disputed questions of fact of this nature relating to title over immovable property, cannot ordinarily be gone into by this Court in a proceeding under Article 226 of

the Constitution of India.

5. This writ application is, accordingly, disposed of with an observation that the petitioner shall have liberty to take appropriate steps in accordance with law and contest the suit which is said to be pending.