

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**W.P (Cr.) No. 11 of 2018**

Charan Baitha

.... .... Petitioner(s).

Versus

1. State of Jharkhand through the Chief Secretary of State of Jharkhand at Project Bhawan, Dhurwa, Ranchi
2. The Deputy Commissioner, Khunti, Jharkhand
3. The Superintendent of Police Khunti
4. The Sub-Divisional Magistrate, Khunti, Jharkhand
5. The Deputy Superintendent of Police, Torpa, Khunti
6. Praveen Kumar
7. Banu Bhagat
8. Manu Bhagat
9. Dhun Braga

.... .... Respondent(s)

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**CORAM : HON'BLE MR. JUSTICE ANANDA SEN.**

**THROUGH : VIDEO CONFERENCING**

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FOR THE PETITIONER(S) : Mr. Sunil Kumar, Advocate

FOR THE STATE : Mr. P.A.S.Pati, SC-IV

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06/26.06.2020

Defect(s) as pointed out by the office is ignored.

Heard learned counsel for the parties through video conferencing. They have no complain with respect to the audio and video clarity and quality.

In this application, petitioner has made several prayers. It is the main contention of the petitioner that order may be passed restraining the respondent from interfering with the possession of the petitioner and restraining the private respondent from making any construction over the land. It is the contention of the petitioner that a civil suit was filed which ultimately came before the Hon'ble High Court in S.A. 150 of 1989(R) and the final judgment was delivered on 17.9.2011. He claims to be the real land owner of the suit land. He further claims that without making him a party the civil suit proceeded and final judgment was passed by the Hon'ble High Court in the second appeal. He further submits that the civil review petition is also pending which is Civil Review No. 2 of 2017 in which interlocutory application has been filed by this petitioner.

From the submission of the parties, I find that petitioner claims right, title and interest of the property in question and his contention is that without making him a party, civil suit was filed. He claims for possession and praying for

restraining the respondents from interfering with his possession over the land in question. This prayer cannot be entertained in an application under article 226 of the Constitution that to in a criminal writ application when the petitioner has already tried to intervene in the second appeal and in the review application, arising out S.A. No. 150 of 1989 ( R). I find that this application itself is not maintainable as there are alternative remedies available to the petitioner. Filing a writ application under article 226, that to a criminal writ, is nothing but an abuse of the process of court.

Accordingly, the instant petition stands dismissed.

**(ANANDA SEN , J)**