

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.504 of 2015

In
Civil Writ Jurisdiction Case No. 18967 of 2010

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Bal Krishna Jha, son of late Baidyanath Jha, resident of village- Jafrapur, P.O. Babhani, P.S.- Purnea Sadar, (Dagarua O.P.) District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mr. Anjani Kumar Singh, the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. Mr. Sudhir Kumar, Divisional Commissioner, Purnea Division, Purnea.
4. Mr. Rajesh Kumar, District Magistrate, Purnea.
5. Md. Sunil Kumar, Sub-Divisional Officer, Baisi, District- Purnea.
6. Mr. Subhash Chandra Singh, Circle Officer, Dagarua Block, District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar Thakur
Mr. Samrendra Kumar Jha

For the State : Dr. Raj Kumar Sinha, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 06-05-2015 Heard Mr. Shankar Kumar Thakur, learned counsel appearing on behalf of the petitioner and learned counsel for the State.

This contempt application arises from an order passed in M.J.C. No.1881 of 2013 which was disposed of while affording liberty to the petitioner to question the order of the ‘Collector’ under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as ‘the Act’) before the appellate authority by filing an appeal and while giving such liberty this court required an expeditious disposal of the appeal by the Appellate Authority.

Since this Court had expressed that the appeal be disposed of within three months that the petitioner approached

this Court complaining delay in such disposal and whereupon the Collector was required to file show cause which has since been filed enclosing an order passed by him placed at Annexure-C, whereby the Collector as an appellate authority while confirming the encroachment complained of has required the Sub-Divisional Officer, Baisi to give his report regarding alternative arrangement for the encroachers who belong to weaker sections.

The petitioner now complains that though one month time was granted by the Collector to the Sub-Divisional Officer to complete the exercise but the same has not been carried out.

The order passed by the Collector is dated 4.4.2015, this matter is being considered on 6.5.2015 and yet the petitioner complains of non-compliance of the direction. From the records of the proceeding no case of contempt or drawing any proceeding is made out. In the circumstances the contempt proceeding is dropped.

This application is disposed of.

If the petitioner is yet not satisfied with the order of the Collector he may take recourse to such other remedy as may be available to him in law.

(Jyoti Saran, J)

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