

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1443 of 2015

In
Civil Writ Jurisdiction Case No. 669 of 2015

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Vishnudeo Mahto, Son of Late Subodh Mahto, Residing at Village- Rajauli
Dhamia Patti, PS- Deodha, District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Mr. R.K. Agrawal, Divisional Commissioner, Darbhanga
3. Mr. Giriwar Dayal Singh, The Collector, Madhubani
4. Mr. Gulam Mustafa Ansari, Sub Divisional Magistrate. Jainagar
5. Mr. Rohit Kumar, Deputy Collector Land Reforms, Jaingar, Madhubani
6. Mr. Bijendra Kumar The Circle Officer, Jainagar, Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bajarangi Lal

For the Respondent/s : Mr. Gp21 Sanjay Pandey

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 09-09-2015 Heard Mr. Bajarangi Lal for the petitioner and the

State.

A show cause has been filed on behalf of opposite
party nos. 1 to 6. Rejoinder thereto has been filed by the
petitioner.

The application alleges willful/deliberate
disregard/disobedience of the order dated 10.02.2015
passed in CWJC No. 669 of 2015 whereby this Court
directed as under:-

Having heard the parties, the writ application
is disposed of permitting the petitioner to file
fresh application together with a copy of the

present order before the respondent- Sub Divisional Magistrate within three week. If any such application is filed the respondent- Sub Divisional Magistrate will consider and pass appropriate order/take appropriate decision thereon as quickly as possible preferably within two months from such filing.

In the show cause, it has been stated that an encroachment proceeding was initiated vide Encroachment Case No. 01/2015-16 wherein the Sub Divisional Magistrate passed an order on 17.08.2015 whereby the petitioner was found encroacher over part of the land and was directed to remove the encroachment. Insofar as the private respondents are concerned, it was found that they are landless persons and eligible for settlement of the land and therefore directed a proposal to be made for such settlement of the land.

The contention of the petitioner is that even though the private respondents were found encroachers, instead of evicting them from the portion of the land they were directed to be considered for settlement thereof. The order of this Court has not been complied with in letter and spirit.

On going through the order passed by this Court

and the statements made in the show cause, in my view, the opposite parties have substantially complied with the order of this Court. If the petitioner has any grievance or objection to such settlement of the land in favour of the eligible persons he may seek remedy before appropriate authority/forum in accordance with law.

(Kishore Kumar Mandal, J)

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