

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2937 of 2013

IN

Civil Writ Jurisdiction Case No. 8418 of 1994

- =====
1. Ram Shankar Das.
 2. Sushil Das, both sons of Late Bajrangi Das, resident of village- Aswari, P.S.- Tisiouta, District- Vaishali.

.... Petitioners.

Versus

1. The State of Bihar through the Principal Secretary, Shri C. Ashok Vardhan, Land Reforms and Revenue Department, Bihar, Patna.
2. Sri Jitendra Kumar Shrivastava, the District-Magistrate, Vaishali at Hajipur.
3. Shri Jyoti Kumar, the Sub Divisional Magistrate, Mahua, Vaishali.
4. Nazre Hasan, Deputy Collector, Land Reforms, Mahua, Vaishali.
5. Shri Chandrashekar Prasad, Circle Officer, Patepur, Vaishali.
6. Shri Subodh Jha, the Block Development Officer, Patepur, Vaishali.
7. Shri Ram Ishwar Singh, son of Late Mosaddi Singh, resident of village-Aswari, P.S. Tisiout, District-Vaishali.

.... Opposite Parties.

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Appearance :

For the Petitioners : Mr. Ram Shankar Das, Advocate {(petitioner no.1(in person))}.

For the State : Mr. Sanjeev Kumar, AC to SC-I.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 12-03-2015

The present contempt application has been filed asserting the non compliance of the Judgment and Order dated 08.07.2010 passed in C.W.J.C. No.8418 of 1994, which was disposed of with the following observations and directions:

“From the pleadings and arguments made before this Court, it appears that the dispute lies in the fact that the respondent is claiming that his land measures more than what the revenue records indicate which has created this problem. At the most the respondent may pray before the

Collector that his lands should also be measured in order to reach a just conclusion with respect to the area of lands of each of the parties.

Considering all aspects and equity, I direct that the petitioner and respondent both should appear before the Collector (who may entrust the matter to Additional Collector) with their documents, which would indicate the area of the lands belonging to them, the Collector after determining the area of the land by measurement after noticing the parties may pass an appropriate order. The parties may appear with their respective documents within six weeks on receipt/production of a copy of this order. The Collector, Vaishali at Hajipur may dispose of the application filed by the petitioner and respondent within a period of three months on receipt thereof.”

2. Learned AC to SC-I, appearing on behalf of the State, submits that in compliance of the Judgment and Order under contempt, the determination of the area of the land by measurement of the respective parties has been done by the concerned opposite party(s) and, accordingly, final order has been passed in Case No.49/2011-12 on 22.08.2012 by the District Magistrate, Vaishali, which would appear from Annexure-‘C’ to the show cause filed on behalf of the opposite party no.5. As such, the Judgment and Order under contempt has been complied with.

3. Mr. Ram Shankar Das, learned counsel, who is petitioner no.1 in this application and is appearing in person, submits that while the determination of the area of the land by measurement of the respective parties has been done by the concerned opposite party(s) but the

measurement is not proper.

4. Since the Judgment and Order under contempt has been complied with, no further action is required to be taken against the concerned opposite party(s). Accordingly, this contempt application stands disposed of. However, if the petitioners have any grievance, they may take legal recourse in accordance with law before the appropriate forum for redressal of the same.

(Rajendra Kumar Mishra, J)

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