

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2522 of 2014

In

Civil Writ Jurisdiction Case No. 19656 of 2013

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1. Subodh Kumar Jha Son of Sri Kamla Kant Jha
 2. Pashupati Nath Jha Son of Sri Ram Bahadur Jha
 3. Surendra Jha Son of Sri Bishwanath Jha
 4. Shankar Jha Son of Sri Triveni Jha All residents of Village - Harpur Osti,
P.O. AND P.S. - Mahua, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through Sri Vinod Singh Gunjiyal the Collector,
Vaishali at Hajipur.
2. Sri Vinod Singh Gunjiyal, the Collector, Vaishali at Hajipur.
3. Sri Ramesh Mishra, the Additional Collector, Vaishali at Hajipur.
4. Sri Taukir Akram, the Sub-Divisional Officer, Mahua, Sub-Division,
Vaishali at Hajipur.
5. Sri Shailendra Kumar, the Circle Officer, Mahua Block, At AND P.O.
AND P.S. - Mahua, District - Vaishali.
6. Sri Amresh Kumar, the Block Development Officer, Mahua Block, At
AND P.O. AND P.S. - Mahua, District - Vaishali.
7. Tuntun Jha Son of Sri Srikant Jha All residents of Village - Harpur Osti,
P.O. AND P.S. - Mahua, District - Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Prabhakar

For the Respondent/s : Mr. Kumar Priya Ranjan

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 13-05-2015 Heard Mr. Parbat for the petitioner and the Counsel
for the State. A show cause on behalf of O.P. Nos. 1 to 6 has been
filed.

The application alleges willful and deliberate
disobedience of the order dated 6.1.2014 passed in C.W.J.C. No.
19656 of 2013 (Annexure-1), the operative part whereof reads as

under:-

“In view of the aforesaid, this court is satisfied that ends of justice shall be sub-served if the petitioners are directed to file an application/representation supported by all relevant documents/papers before the respondent Collector, Vaishali ventilating the grievance as raised in the present application. Once such application is filed, the Respondent Collector shall examine/consider the same and take appropriate decision thereon in accordance with law expeditiously. The respondent Collector shall also ensure that during pendency of the representation before him, no pucca structure, if any, of the petitioners is demolished and the construction of the road is given final shape until disposal of the representation/application by him in accordance with law.

Mr. Parbat, learned counsel for the petitioners states that legal notice (Annexure-6) be treated as a representation.

From the averments made in the show cause and the order dated 5.12.2013 passed by the Sub Divisional Officer in a proceeding initiated under Section 147 Cr.P.C. (Annexure-A) and the order dated 15.9.2014/1.10.2014 passed by the Collector, Vaishali (Annexure-B), it appears to this Court that a proceeding under the Cr.P.C. was already initiated in respect of construction of the road wherein the Sub Divisional Officer passed an order on 6.12.2013. The petitioner assailed the same before the Collector and also placed his representation in the light of order of this Court. The Collector under the order (Annexure-B) has affirmed the order of the Sub Divisional Officer and the representation of the petitioner was rejected.

Taking into account the aforesaid fact as also the order which this Court passed in the writ petition, in my view, the order has been substantially complied with. Mr. Parbat informs the Court that against the order passed by the Collector (Annexure-B), a fresh writ petition has already been filed.

The present contempt application is accordingly dismissed.

(Kishore Kumar Mandal, J)

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