

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.5188 of 2013

In
Civil Writ Jurisdiction Case No. 6479 of 2012

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1. Awadhesh Prasad S/O Late Ramji Garain
 2. Rajendra Prasad S/O Late Narain Garain
 3. Ramanand Tiwary S/O Late Rajbanshi Tiwary
 4. Baleshwar Prasad S/O Late Janki Garain
 5. Santosh Kumar S/O Late Lakhn Prasad Singh
 6. Keshav Prasad @ Kesho Prasad S/O Late Hari Garain
 7. Brajesh Garain S/O Late Banshi Garain
 8. Nirmala Devi W/O Arun Kumar

All R/O Village- Beswak, P.S. - Islampur, District- Nalanda

.... Petitioners

Versus

1. The State of Bihar
2. Sri Kundan Kumar, District Magistrate, Nalanda
3. Sri B. Kartikeya, Deputy Development Commissioner, Nalanda
4. Sri Kamla Prasad, Chief Engineer, Minor Irrigation, Nalanda
5. Sri Devendra Kumar Sinha, Executive Engineer, Minor Irrigation
6. Sri Ajit Kumar Singh, Sub Divisional Officer, Hilsa, Nalanda
7. Sri Ramesh Prasad, Anchal Adhikari, Islampur, Nalanda
8. Sri Sanjai Kumar, Thanadhyaksh, Islampur, Nalanda
9. Sri Sheo Kumar Singh, Mukhia, Gram Panchayat Raj Beswak, P.S.- Islampur, Dist.- Nalanda

.... Opp.Parties.

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Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman
For the Respondent/s : Mr. AC to GP-2

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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8 21-01-2015 Heard learned counsel for the petitioners and learned
AC to GP-2.

The present petition has been filed with a prayer to
initiate contempt proceeding against Opp.Parties on an allegation
of wilful disobedience to an order dated 21.01.2013 passed in
C.W.J.C.No.6479 of 2012. The order dated 21.01.2013 is quoted

herein below:

“Heard learned counsels for the petitioner and the State.

The grievance of the petitioner is that the respondents are digging the Raiyati Land of the petitioner for the purpose of construction of canal.

Learned counsel appearing for the State submits that these are factual matters which require to be verified on the spot.

Considering the submissions of the parties, it will be open for the petitioner to make an appropriate representation before the respondent no.5 stating relevant details for redressal of his grievances.

In case such representation is filed within a period of four weeks, the same be considered in accordance with law expeditiously preferably within a period of four months on receipt of such representation.

The writ application accordingly stands disposed of.”

In this case, a show cause has been filed on behalf of Opp.Party no.5. Opp.Party no.5 has brought on record a letter dated 17.06.2013. It has been submitted by learned counsel for the state that in compliance with the order of the writ court, representation of the petitioner was considered and it was opposed that no land of the petitioners have been encroached upon for construction and widening of Pyne . Learned counsel for the

petitioners by way of referring to reply to the show cause and reply to the supplementary show cause submits that incorrect statement has been made by Opp.Party no.5. He has also relied upon Annexure-5 to the reply filed by the petitioners on 20th January 2015, which is a typed copy of report prepared by a retired Amin to corroborate that the petitioners land has already been encroached upon by Opp.Party.

Keeping in view the fact that only observation in the order passed by the writ court was to examine the representation of the petitioner, which has already been considered and rejected the representation of the petitioners vide Memo No.476 dated 17.06.2013 and the same has been communicated to the petitioners, no contempt is made out.

Since the order has already been complied with, there is no ground to pass any positive order. The petition stands dismissed.

(Rakesh Kumar, J)

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