

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3166 of 2013

In
Civil Writ Jurisdiction Case No. 2834 of 2013

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Bipin Kumar Agrawal, son of Shri Vijay Kumar Agrawal, R/o-village+ Post
Harshiddi, P.S. Harshiddhi, District East Champaran

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Land Reforms Department
Government of Bihar through Sri C. Ahok Bardhan
2. Sri Binay Kumar, District Magistrate-cum-Collector, Areraj District-
Motihari
3. Sri Anil Kumar, Anchaladhikari, Harshiddhi, District East
Champaran, Motihari

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.18266 of 2014

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Aftab Alam son of Bhulan & Ors.

.... Petitioner/s

Versus

The State of Bihar & Ors.

.... Respondent/s

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Appearance :

(In MJC No.3166 of 2013)

For the Petitioner/s : Mr. Dhananjay Kumar, Adv.

For the Respondent/s : Mr. Partha Sarthy, G.A.11

(In CWJC No.18266 of 2014)

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Respondent/s : Mr. Partha Sarthy, G.A.11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

11 02-12-2015

Re: M.J.C.No.3166 of 2013

With

C.W.J.C.No.18266 of 2013

The contempt application was filed complaining of non
compliance of the order passed in C.W.J.C.No.2834 of 2013. The
said writ petition was filed complaining of encroachment by the



villagers on plot bearing Khata No.468, Khesra No. 245 and 411. It was the complaint of the writ petitioner that the said plot of land being public land had been encroached by villagers and despite complaint being lodged before the statutory authorities under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') yet no exercise had been undertaken by them for removal thereof. It is considering the complaint that a Bench of this Court disposed of C.W.J.C.No.2834 of 2013 on 26.2.2013 with the directions to the Collector, East Champaran at Motihari to consider the representation, get enquires held and in case the report supports encroachment on public land then to take appropriate actions in accordance with law. It is complaining of non-compliance of the orders passed by the Court that the contempt petition was filed. A show cause has been filed by the Circle Officer in which it is stated that in the light of the order passed in the writ petition an Encroachment Case No. 1 of 1012-13 was initiated and the encroachment has been removed. In fact, it is perhaps on the initiation of encroachment proceedings that a writ petition bearing C.W.J.C.No.18266 of 2014 had been filed and in the circumstances orders have been passed for listing this contempt matter along with the writ petition.

I have heard learned counsel for the parties and I have

perused the records.

Mr. Parth Sarthi, learned G.A.11 appearing in the writ petition submits that it is in the light of the order passed in C.W.J.C. No. 2384 of 2013 that 99 cases had been initiated against the encroachers and which is pending disposal and in amongst the said encroachment cases is also the case initiated at the instance of the petitioner relatable to the plots in question which is numbered as Encroachment Case No. 1 of 2014.

Having heard learned counsel for the parties and considering that the only direction issued by this Court in the writ petition bearing C.W.J.C. No. 2384 of 2013 was to take appropriate actions in accordance with law and which action has indeed been initiated by the statutory authorities under 'the Act' and resultantly no less than 99 cases have been registered against the alleged encroachers, no case for contempt is made out and the contempt proceedings are accordingly disposed of.

M.J.C.No.3166 of 2013 is accordingly disposed of.

In so far as C.W.J.C.No.18266 of 2014 is concerned, let it be listed for admission before the appropriate bench as per roster after obtaining permission of Hon'ble the Chief Justice.

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(Jyoti Saran, J)