

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3088 of 2012

=====

1. Ramakant Sahni S/O Late Baua Lal Sahni Resident of Village Ladho
Kataia, P.S. And Block Biraul, District Darbhanga.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Sri Narmadeshwar Lal, the District Magistrate, Darbhanga.
3. Sri Hussain Usuf Risabi, the D.D.C., Darbhanga.
4. Sri Jagdish Kumar, the Sub Divisional Officer, Biraul, District Darbhanga.
5. Sri Anurudh Prasad Singh, the Block Development Officer, Biraul, District Darbhanga.
6. Sri Pankaj Singh, the Assistant Engineer, Biraul, District Darbhanga.
7. Sri Jai Narayan Singh Junior Engineer. Biraul, District Darbhanga.
8. Sri Jagdish Singh, the Panchayat Sevak, Gram Panchayat Raj Ladho, P.S. Biraul, District Darbhanga.
9. Smt. Amirka Devi, the Mukhia, Gram Panchayat Raj Ladho, P.S. Biraul, District Darbhanga.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Respondent/s : Mr. Prashant Pratap GP-6

=====

**CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR
DATTA**

ORAL ORDER

9 16-12-2015 Heard learned counsel for the petitioner and

learned counsels for the State and for the Opposite Party No. 9.

The application has been filed for initiating
contempt proceedings against the opposite parties particularly
opposite party no. 9 for willful disobedience of the order dated
24.2.2012 passed in CWJC No. 18725/2011.

By the aforesaid order dated 24.2.2012 this
Court had directed the Respondent No. 9, the Mukhiya of Ladho

Gram Panchayat, District-Darbhanga to consider and dispose of the claim of the petitioner within a period of two months and if any amount was found due and payable to the petitioner, the same was also directed to be paid to the petitioner within a further period of two months.

In the show cause filed on behalf of the Opposite Party No. 9, the stand taken is that pursuant to the direction of this Court the order has been passed rejecting the claim of the petitioner on 21.5.2012 by the opposite party No. 9, a copy of the said order has been annexed as Annexure-A to the show cause.

A number of issues have been raised by learned counsel for the petitioner including the fact regarding the forgeries committed by the Opposite Party No. 9 and her husband, the previous Mukhiya in the matter and even with regard to the proceedings and measurement book, etc., with respect to which a criminal case was also filed by the petitioner in which charge sheet has been submitted by the police against the previous Mukhiya and cognizance has been taken by the Trial Court.

Be that as it may, the direction of this Court being a simple one to dispose of the claim of the petitioner, the factum of the same having been disposed of rightly or wrongly

should not ordinarily be looked into under the contempt jurisdiction and for the same, the petitioner has other remedies under the law.

The contempt application is, accordingly, disposed of with liberty to the petitioner to challenge the order dated 21.5.2012 in appropriate proceedings.

The disposal of the contempt application however, shall not be taken to mean that opposite party No. 9 or her husband, the ex-Mukhiya is absolved of their criminal liability in the matter. It should not be treated as adverse to the petitioner in case the petitioner decides to pursue the matter before the appropriate forums whether on the civil side or in the criminal case.

The case diary is directed to be returned to learned AC to GP-6 for its return to the concerned authorities from where it has been obtained.

Office is directed to get a Xerox copy of the proceedings book and keep it on the record of the case and the original copy shall be thereafter returned to learned counsel for the Opposite Party No. 9.

(Ramesh Kumar Datta, J)

S.Pandey/-

U			
---	--	--	--