

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4606 of 2012

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Mahendra Yadav S/o Late Jageshwar Yadav, resident of village -Rampur Rajba,
Circle -Hasanpur, Sub-Division, Rosera, P.S.-Hasanpur, Distt-Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through Kundan Kumar Sinha, the Collector, Samastipur
2. The Additional Collector, Samastipur
3. The Deputy Collector, Samastipur
4. Raghvenra Prasad Singh, the Circle Officer, Hasanpur, Distt-Samastipur
5. Arjun Drolia S/o Shri Brijnandan Lal, resident of village -Rampur Rajba,
P.S.+Circle, Hasanpur, Sub-Division, Rosera, Distt-Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Phulen Yadav, Adv.

For the Respondent/s : Mr. Yogendra Pd. Sinha, AAG-15
Mr. Shailesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 29-07-2015

Heard learned counsel for the petitioner, learned
counsel of the State and learned counsel for the private
respondent.

In the present case, allegation has been made
that during operation of order, Arjun Drolia, opposite party no.
5 has violated the order of this Court by making construction
over the disputed plot.

This Court, vide order dated 3rd September 2014
directed the District Judge, Samastipur to hold an enquiry with
regard to the allegation made by the parties and in pursuance
thereof, the District Judge, Samastipur examined the concerned

witnesses and arrived to following finding:-

"From perusal of the evidence of applicant it appears that although he has stated in his evidence that in spite of order passed by the Hon'ble High Court, Arjun Drolia continued to make construction over disputed land. But during cross examination he himself admitted that he had no knowledge whether the order of Hon'ble High Court has been served to Arjun Drolia or not. He further stated that he had no knowledge on which date Circle Officer has served the order of Hon'ble High Court upon Arjun Drolia. The other witnesses denied this fact in respect of service of notice to the respondent. Similarly Respondent No. 5 Arjun Pd. Drolia has stated that after receiving the order of Hon'ble High Court through C.O. he stopped the construction work. But Mahendra Yadav continued to make construction over disputed land from May 13 to December 2014 and violated order passed by the Hon'ble High Court. But in this connection the evidence of Circle Officer Sri Amarendra Kumar is most material. He stated in his evidence that he served the order passed by the Hon'ble High



Court in C.W.J.C. No. 12267/2012. He also informed this order to Arjun Drolia and Hassanpur police station. During cross examination however he has categorically admitted that neither petitioner Mahendra Yadav nor opposite party Arjun Prasad Drolia have made construction violating the order passed by the Hon'ble High Court. Although Arjun Pd. Drolia has tried to contradict this fact pointing several police report submitted to S.P. and S.D.P.O. but in those report there was no exact description on which date and on which plot Mahendra Yadav have constructed over the disputed land in spite of stay order passed by the Hon'ble High Court. As such at this stage my considered opinion is not proved either petitioner Mahendra Yadav or Opposite Party Arjun Prasad Drolia has made construction over the disputed land violating the order passed by the Hon'ble High Court in CWJC No. 12267 of 2012."

In view of finding of learned District Judge, Mahendra Yadav, petitioner made out the case of contempt against Arjun Drolia, opposite party no. 5, has made construction over the disputed land violating the order passed by

this Court in CWJC No. 12267 of 2012.

In such view of the matter, there is no need to proceed in the matter.

Accordingly, this petition is dismissed.

(Shivaji Pandey, J)

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