

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3900 of 2014

In
Cr. WJC 679 of 2013

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Ratan Jagwani Son of Late M.K. Jagwani, resident of Gyani Bhawan, East Boring Canal Road, P.S.- Budha Colony, District –Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Sri Anjani Kumar Singh IAS, old Secretariat, Patna
2. The Director General of Police, Sri. P.K. Thakur, IPS, Govt. of Bihar, Patna
3. The Commissioner, Patna Division, Smt. Vijya Lakshmi, IAS, Patna
4. The District Magistrate, Sri Manish Kumar Verma, IAS, Patna
5. The Senior Superintendent of Police, Sri Manu Maharaj, IPS, Patna
6. The Sub Divisional Officer, Danapur, Sri Arvind Kumar Verma, IAS, Danapur, District -Patna
7. The Deputy Collector Land Reforms, Danapur, Sri Sanjeev Kumar, Danapur, District - Patna
8. The Circle Officer, Danapur, Sri Kundan Lal, District - Patna
9. The Sub Divisional Police Officer, Danapur, Sri Saroj Kumar, Danapur, District - Patna
10. The Officer Incharge, Rupaspur Police Station, Sri Mritunjaya Kumar, District - Patna
11. M/s Maa Developers Pvt. Ltd., through its Managing Director, Vijay Kumar Son of Sri Bali Ram Bhagat, Resident of 101, BP Complex in front of OM Vihar, Pirmuhani, P.S- Kadamkuan, District -Patna
12. Ramjee Singh Chauhan Son of Late Lal Bahadur Singh, resident of Ramayan Apartment Flat No. 303, New Dakbunglow Road, Patna Secretary Arpana Sahkari Grih Nirman Samiti Ltd., Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha

For the Respondent/s : Mr. Manindra Kishore Singh

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

7 30-06-2015

Heard learned counsel for the petitioner and learned counsel for the State.

Basically, the counsel for the petitioner has raised a grievance about violating the order dated 9th April

2014 passed in Cr.WJC No. 679 of 2013 whereby and whereunder the Court has passed the following order:-

"Petitioner is directed to implead Arpana Sahkari Grih Nirman Samiti Limited as one of the respondents and for that purpose petitioner to file requisites under both counts. Till appearance of Arpana Sahkari Grih Nirman Samiti Limited existence of plot no. 232A be kept immune.

The aforesaid impleadment must be made within a fortnight failing which the instant petition shall be deemed to be dismissed without further reference to the Bench."

The thrust in the argument is that the Court directed for keeping immunity over the plot no. 232A of Arpana Sahkari Grih Nirman Samiti Limited.

Grievance has been raised by the petitioner that even after the order dated 9th April 2014, contemnors are constructing the structure over the said plot thereby they have violated the order of the Court, he has submitted that when the Police official visited at the spot, it was found that already a roof of first floor was cast and thereafter, they have constructed the 2nd floor more.

The counsel for the opposite parties submits that they have no concern with the plot no. 232A, survey plot no. 241, Tauzi no. 5808, Khata no. 197, area 2700 Sq.ft. but they have been constructing the building over the plot no. 203 part and 204 part which is completely away from the

plot no. 232A and even does not fall within the boundary of plot no. 232A.

It is a dispute with regard to identification of the plot.

The opposite parties specifically accept that they have no right to make any construction over the plot no. 232A and as such, they are not constructing any structure over the said plot.

Amin's report dated 30th December 2012 speaks volumes about the non-identification of the plot of the complainant.

In such view of the matter, if the plots are quite different, they are constructing the structure over their own land, the order is limited to plot no. 232A, the question of violation of the order does not arise. However, it is well principle of law that if any structure has been made over the plot no. 232A, will suffer on its own account.

In such view of the matter, this Court does not find any merit in the present case. Accordingly, this petition is dismissed.

(Shivaji Pandey, J)

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