

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2784 of 2015
IN
Civil Writ Jurisdiction Case No. 16683 of 2012

Sachidanand Singh Son of Late Narayan Singh Resident of Village - Samastipur
Tola, Saidpur, P.S. Shahpur Kamal, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through Collector/district Magistrate Begusarai Smt. Seema Tripathi.
2. The Sub Divisional Officer, Balia, District Begusarai, Sri Brajesh Chaudhary.
3. The Deputy Collector, Land Reforms, Balia, District - Begusarai, Sri Navin Kumar.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap
For the Respondent/s : Mr.SANTOSH KR. JHA, GP3 S

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 13-04-2016

Heard both sides.

A piquant situation has arisen. The petitioner, being the preemptor, claimed to have filed an application for enforcement of his right of preemption in respect of a particular piece of land in the court of the Deputy Collector, Land Reforms, Begusarai after depositing 10% of the consideration amount which, according to the petitioner, gave rise to Land Ceiling Case No. 07 of 2007-08. A notice was issued to him. However, the case did not proceed. In such circumstance, he approached the Collector of the district in Misc. Appeal No. 03 of 2010 for re-construction of the papers. As the said matter remained pending before the respondent Collector, he filed a writ petition being CWJC No. 16683 of 2012. This Court by a proceeding dated 07.09.2012, disposed of the writ petition directing/observing as under:-

“let the petitioner appear in the pending proceeding before the respondent Collector along with a copy of the present order within four weeks whereafter the said respondent shall take up the Misc. Case No. 3 of 2010 said to be pending before him and dispose of the same as quickly as possible preferably within three months.”

Alleging non-compliance of the said order, the present contempt application has been filed.

A show cause on behalf of opposite party no.1, affirmed by Mr. Naushad Yusuf, District Magistrate/District Collector, Begusarai has been filed which is, however, not on record. This Court, however, proceeds to dispose of the application as the counsel for the petitioner has not disputed the service of the show cause on him.

The counsel for the State produced a copy of the show cause and submitted with reference to the order dated 26.03.2016 (Annexure-C) appended to the show cause that on making an enquiry and after perusal of the record, it was found that the aforesaid ceiling case was not docketed in the court of Deputy Collector, Land Reforms. Accordingly, prayer for re-construction of the record was declined by the Collector and the Misc. Appeal No. 03 of 2010 was disposed of. Strictly speaking, in view of the said order the contempt application does not survive as the opposite party has now disposed of the pending Misc. Appeal No. 03 of 2010.

Counsel for the petitioner states that he has the document in his possession showing deposit of the required amount for filing of the application under section 16(3) of the Land Ceiling Act. On the basis of those documents he may approach the Deputy Collector, Land Reforms afresh without insisting on

re-construction of the papers.

Recording the aforesaid submissions of the petitioner and the statements made in the show cause, the contempt application is disposed of.

(Kishore Kumar Mandal, J)

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