

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.363 of 2016

In

Civil Writ Jurisdiction Case No. 1497 of 2015

Uma Shankar Singh, Son of Late Satya Narain Singh, Resident of Near Girihinda Bus Stand, Sheikhpura, P.S. & District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Chandra Shekhar Singh, the Collector, District- Sheikhpura.
3. Sri Pankaj Kumar, Anchal Adhikari, Sheikhpura, District- Sheikhpura.
4. Sri Vyasji, the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
5. Sri Subodh Kumar, the Sub-Divisional Officer, Sheikhpura, District- Sheikhpura.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opp. Party/s : Mr. Ashutosh Ranjan Pandey, AAG-15 with
Mr. Prabhat Ranjan Singh, AC to AAG-15

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

3 27-07-2016 Heard Mr. Sanjay Kumar Jha, learned counsel appearing for the petitioner and Mr. Ashutosh Ranjan Pandey, learned Additional Advocate General No.15 for the State.

This contempt application was filed alleging contempt by the Sub-Divisional Officer, opposite party no.5 and the Circle Officer, opposite party no.3 in not ensuring compliance of the order of this Court dated 6.8.2015 passed in CWJC No.1497 of 2015. Show cause(s) have been filed by the concerned opposite parties and which reflects that the settlement case has been taken to its conclusion by the Sub-Divisional Officer vide Annexure-6 which though is not to the satisfaction



of the petitioner as it has been dismissed. On the complaint of the petitioner that despite the encroachment proceedings arising from Encroachment Case No.12 of 2013-14 having been quashed, yet the Circle Officer has proceeded to continue with the proceeding that this Court directed the Circle Officer to file his show cause vide order passed on 20.7.2016.

It is following the order of this Court that a show cause has been filed by the Circle Officer and while enclosing the order-sheet present at Annexure-H it is submitted that on the attention being drawn by the petitioner in this regard, that the notice dated 28.12.2015 was recalled by him vide order passed on 6.1.2016 and by a subsequent order passed on 26.4.2016 directions were issued for registering a fresh case. It is not in dispute that fresh Encroachment Case No.03 of 2016-17 has since been registered against the petitioner. Although a notice was issued under order dated 26.4.2016 but since again the same default had been committed by mentioning the number of the encroachment case as Encroachment Case No.12 of 2013-14 that by the next order passed on 30.4.2016 it has been recalled and order has been passed for issuance of fresh notice.

In view of the order passed by the Sub-Divisional Officer in the settlement case as well as the explanation given by

the Circle Officer, no cause is made out for continuing with the contempt proceeding which is accordingly disposed of.

The petitioner, if so advised, may question the order passed in the settlement case as well as initiation of the encroachment case by taking recourse to such other remedy as may be available to him in law.

(Jyoti Saran, J)

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