

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1244 of 2016

In

Civil Writ Jurisdiction Case No. 7104 of 2015

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Sunil Kumar @ Sunil Kumar Sahu @ Sunil Sahu, son of Late Suraj Sah,
Resident of Mohalla- Ward No.11, Piro, P.S.- Piro, District- Bhojpur (Ara).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Bhojpur (Ara) namely Mr. Birendar Kumar, Father's Name- Not known.
3. The Sub-Divisional Officer, Piro, District- Bhojpur namely Mr. Suman Kumar, father's name not known.
4. The Circle Officer, Piro, District- Bhojpur, namely Mr. Prakahs Missir, Father's Name- not known.
5. The Executive Magistrate, Piro, District-Bhojpur namely Mr. Deepak Kumar Sinha, Father's Name- not known.
6. The District Superintendent of Police, Piro, district Bhojpur, namely Mr. Jai Prakash Yadav, Father's name- not known.
7. The Officer Incharge of Police, Piro, District- Bhojpur namely Mr. Dhirendar Kumar Pandey.
8. The Executive Offier, Nagar Panchayat Piro, District-Bhojpur namely Mr. Jaiyass Kumar Sinha, father's name- not known.
9. The Superintendent of Police, Bhojpur at Ara namely Mr. Navin Chandra Jha, father's name not known.
10. Mohd. Taiyab Hussain, S/o Mohd. Hussain, Piro Ward No.11, P.S.- Piro, District- Bhojpur (Ara).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nil Kamal

For the Respondent/s : Mr. Rajiv Roy

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 18-05-2016 Heard Mr. Nil Kamal, learned counsel appearing for the petitioner and Mr. Rajeev Roy, learned G.P.-5 for the State.

This contempt application was filed complaining of non-compliance of the directions issued by this Court on the writ petition bearing CWJC No.7104 of 2015, a copy of which is present at Annexure-1 to the contempt application. The directions issued by this Court *inter alia* required:

- a. the District Magistrate, Bhojpur to dispose

of the representation of the petitioner after opportunity of hearing to him.

- b. In case the petitioner is able to satisfy his right to make constructions over the land in question, to issue necessary orders for providing administrative as well as police support for completing the construction; and
- c. The Superintendent of Police, Bhojpur would also provide support to the petitioner in case he would require the same for construction work.

A show cause has been filed by the opposite parties which encloses an order of the District Magistrate, Bhojpur at Ara dated 29.4.2016 on the representation of the petitioner present at Annexure-A/3 to the show cause and which manifests that the District Magistrate, Bhojpur has upheld the claim of the petitioner over the land in question. He has taken note of the fact that the Nagar Parishad has also permitted the petitioner to carry out the repairs.

The District Magistrate, Ara has directed the Sub-Divisional Officer, Piro to provide support to the petitioner in case he would require the same for carrying out repairs. It is in the light of the order passed by the District Magistrate, Bhojpur that the Sub-Divisional Officer vide his order bearing no.446 of 2.5.2016 present at Annexure-B/3 has instructed the Circle Officer, Piro as well as Station House Officer, Piro to provide

support to the petitioner for carrying out repair jobs in his house and in case there is any obstruction in the same, then to initiate legal proceeding against the concerned.

Mr. Roy, learned State Counsel in reference to the orders passed by the authorities present at Annexure-A/3 and B/3 respectively submits that the order of this Court regarding the disposal on the grievance of the petitioner stands complied by the disposal of his representation vide Annexure-A/3 and the District Magistrate, Bhojpur has also issued appropriate instructions to the Sub-Divisional Officer who in turn has appropriately instructed the Circle Officer as well as the Station House Officer to provide support to the petitioner in case any occasion would arise but there is nothing on record that since after the orders passed by the authorities in tune with the directions of this Court, any complaint has been made by the petitioner against the private respondents nor any request has been made by the petitioner for police support.

In the circumstances discussed no cause for contempt is made out and the contempt petition is accordingly disposed of.

(Jyoti Saran, J)

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