

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1749 of 2014

In
Civil Writ Jurisdiction Case No. 10652 of 2013

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Alok Nath Mishra, son of Yog Nath Mishra, resident of Village- Bhatpura,
P.O.- Sarisab-pahi, P.S.- Manigachi, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary Sri Ashok Kumar Sinha,
S/o not known to the petitioner, Old Secretariat, Patna.
2. Mr. Kumar Ravi, S/o not known to the petitioner, District Magistrate,
Darbhanga.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Chandan Jha, Advocate

For the S t a t e : Smt. Binita Singh, S.C.-28

Mr. Vivek Anand Amritesh, A.C. to S.C.-28

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

9 27-04-2017 Heard learned counsel for the petitioner and the

learned counsel for opposite parties.

In pursuance of the earlier order passed by this
Court, the District Magistrate, Darbhanga (O.P. No.2) has
filed a show cause and is also present in person and so is the
Executive Engineer, Planning and Development Department,
Local Area Engineering Organization, Work Division-1,
Darbhanga.

In the show cause filed today, the District
Magistrate, Darbhanga has specifically stated that he has
visited the site and a report from Sub-Divisional Magistrate



Sadar, Darbhanga has also been taken. It appears from the report of the Sub-Divisional Magistrate Sadar, Darbhanga that the house of the petitioner is situated on *raiyati* Plot No.30 and disputed gate of the petitioner opens on Plot No.29, which is a *raiyati* land and *Ganesh* temple is situated on Plot No.29 and thereafter lies Plot No.11, which is adjacent to it and is *Anabad Sarv Sadharan* Road. It is submitted that it is encroachment free. Besides the disputed gate, there are three other gates in the campus of the petitioner, which is attached to different roads. The disputed gate, which is alleged to be blocked, as per the submission of the petitioner, does not find attached to the road situated over Plot No.11. In support of such contention, the authorities have brought on record by way of affidavit Annexure D series filed by the Executive Engineer, Darbhanga containing the maps of the area.

From the said maps it appears that the petitioner's land is attached only at the corner of Plot No.29 and the gate is situated in the boundary of Plot No.29, which is an alleged offending obstruction, as alleged by the petitioner.

Having considered all facts and circumstances and after perusal of the entire documents placed before this



Court, I am satisfied that no case for contempt is made out against the concerned opposite parties. The contempt application is, thus, dismissed.

Personal appearance of the District Magistrate, Darbhanga and the Executive Engineer, Planning and Development Department, Local Area Engineering Organization, Work Division-1, Darbhanga stands dispensed with.

(Anjana Mishra, J)

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