

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3198 of 2016

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Ram Kishore Sharma, son of late Sheo Dayal Sharma, resident of Village
Abbu Lodipur Janipur, P.O. Sorampur, P.S. Janipur, Phulwarisharif, District
Patna.

.... Petitioner/s

Versus

1. Sri Anjani Kumar Singh through the Chief Secretary, Government of Bihar
2. Sri Anand Kishore, The commissioner, Patna Division, Patna
3. Sri Sanjay Kumar Agrawal, the District Magistrate, Patna
4. Sri Amrendra Kumar Singh, the Deputy Development Commissioner, Patna
5. Sri Madhav Kumar Singh, the Sub Divisional Officer, Patna
6. Sri Arun Kumar Singh, the Circle Officer, Phulwarisharif, Patna
7. Sri Sunil Kumar, the ADGP cum M.D Police Bhawan Construction Corporation, Patna
8. Sri Manu Maharaj, The Senior Superintendent of Police, Patna
9. Sri Mohan Prasad Singh, the Officer-in-charge Janipur, Phulwarisharif, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Shankar Choudhary

For the Respondent/s : Mr. Anjani Kumar,

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 18-07-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

In the present case, petitioner is seeking relief for
initiation of contempt proceeding for violating the order dated
8.4.2013 passed in C.W.J.C. No.10488 of 2012. It will be
relevant to quote relevant portion of the aforesaid order:

“Considering the submissions of the parties and the
counter affidavit filed on behalf of the respondent nos. 8 and
9, I am not inclined to proceed further in the matter and the
writ application stands disposed of. However, it goes without
saying that any construction would be made after



measurement of the land, in question, after giving notice to the petitioner”.

The Court has stated in the order that any construction would be made after measurement of the land in question. Show cause has been filed wherein statement has been made that boundary wall has not been constructed over Raiyati land of the petitioner. He further submits that even though they have not made any boundary wall but they have made construction over Raiyati land. He has attached the photograph.

It is very difficult to arrive to a finding about the construction of the building over the land of the petitioner. However, the Collector must ensure that any construction will be made on the Government land and cannot encroach upon the land of the petitioner This Court is unable to arrive at a positive finding about encroachment of the land by the Government. This Court does not intend to proceed further in the matter.

Accordingly this application is dismissed.

Vinay/-

(Shivaji Pandey, J)

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