

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3317 of 2014

In
Civil Writ Jurisdiction Case No. 13958 of 2013

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Manoj Kumar Mandal Son of Late Ram Narayan Mandal, resident of
Village-Maulviganj, Kadirabad, P.S.-L.N.M.U., P.O.-Lal Bagh, District-
Darbhanga. Petitioner

Versus

1. The State of Bihar through the Collector, Darbhanga.
 2. Dinesh Kumar, the Collector, Darbhanga.
 3. Mr. Vyasji, the Principal Secretary, Land and Revenue Department,
Govt. of Bihar, Patna.
 4. Sita Devi, daughter of Late Anirudh Sah, Resident of Mohalla-
Hassanchak, P.S.-Nagar, District-Darbhanga.
 5. V.K. Thakur, Son of Nokhelal Thakur, resident of Mohalla-Hasanchak,
P.S.-Nagar, District-Darbhanga.
 6. Krishna Mohan Jha, Secretary, Mithila Mandal Sahyog Samiti Ltd. Lal
Bagh, Darbhanga.
 7. Sriman Kaplishwar Singh, Son of Late Raj Kumar Subheshwar Singh,
Resident of Ram Bagh Palace, Darbhanga.
 8. Sriman Rajeshwar Singh Son of Late Raj Kumar Subheshwar Singh,
Resident of Ram Bagh Palace, Darbhanga. Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Adv.
Mr. Shailendra Kumar, Adv.
Mr. Krishna Murari Rawt, Adv.
For the Respondent/s : Mr. Partha Sarthy, G.A. -4
Mr. Mrigendra Kumar, AC to G.A.-4

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

9 24-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

It appears from the show cause filed on behalf of the
opposite party no. 2 that vide Annexure- 'K' dated 05.07.2017, the
Collector, Darbhanga has issued specific direction to the Circle
Officer, Sadar Darbhanga to take immediate action on the
application made by the petitioner, namely, Manoj Kumar Mandal



for creation of *Jamabandi* in his favour. If the said application has been filed, it is expected that an appropriate decision will be taken in the matter at the earliest. It, thus, appears that the State has taken adequate steps towards the compliance of the order passed by the learned Single Judge, which is the subject matter of the present contempt application.

So far as the restoration of possession of the petitioner is concerned, this Court, after perusing the order passed in the LPA Court on 19.03.2015, is of the opinion that the Appellate Court has only issued a direction that in case of possession of the land has been taken on the basis of the order passed by the second appellant, it shall be his obligation to restore the same to the first respondent, namely the petitioner. There is serious dispute between the parties with regard to the possession of the subject matter of the dispute. The contention raised by both the sides is contrary. The suit filed by the State Authorities which is, I am told, still pending for declaration of the possession of the State Authorities after vesting of *Jamabandi*. However, till date picture remains unclear as to who is in possession of the suit property. Admittedly, encroachers have also come up and there is a submission by the petitioner that the tank in question has been encroached by private persons, who are using the same. As such,



this Court is not inclined to proceed further in the matter.

Accordingly, the contempt application stands dismissed.

(Anjana Mishra, J)

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