

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.5494 of 2012

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Ram Swarath Singh, S/O Late Yadunandan Singh, R/O Vill-Rupaspur, P.S.-
Rupaspur, Distt-Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. S. K. Negi, S/O Not Known, Divisional Commissioner, Patna.
3. Mr. Sanjay Kumar, S/O Not Known, Collector, Patna.
4. Anil Kumar, S/O Not Known, Additional Collector, Patna.
5. Kundan Lal, S/O Not Known, Circle Officer, Danapur, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Respondent/s : Mr. Ajay Bihari Sinha, G.A.-8

Mr. Suryakant Kumar, AC to G.A.-8

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 07-04-2017

Inter alia contending that certain directions issued in the writ petition have not been complied with, this application has been filed for initiating action for contempt.

After considering the judgment rendered on 31.02.2007 in the case of **Dr. Anil Kumar Sinha versus State of Bihar and others, 2007(2) P.L. J. R.240**, the writ petition pertaining to restoration of possession on vacant land under the Urban Land (Ceiling and Regulation) Act, 1976 after its repeal was disposed of. *Inter alia*



contending that in spite of fact that possession of the land has not been taken over, she is not restored back the possession, the application has been filed.

Respondents have filed a detailed counter affidavit and they point out that in the matter, an application under Section 10(6) of the Act was already rejected by the Collector on 09.12.1997 even before the writ petition was decided and against this order passed on 09.12.1997, the petitioner's predecessor had filed an appeal before the Commissioner. The Commissioner finally remanded the matter back to the Collector on 21.05.2007 and the matter is pending before the Collector and by pointing out that the issue is still pending consideration before the competent authority and Letters Patent Appeal is also proposed to be filed against the order passed on 25.04.2012 in CWJC No.6554 of 2012. It is also indicated that in the land in question *Jamabandi* is still running in the name of the Government.

Keeping in view a detailed show cause filed and the dispute with regard to possession being made out, it is not a fit case where action for contempt should be initiated. In case, the original petitioner or the legal heirs are still in possession, they may take action for claiming restoration or continuation of possession in accordance with law. In the facts of the disputed question that have come on record, it is not a fit case where action for contempt should be initiated.



Accordingly, granting aforesaid liberty to the petitioner, the application is disposed of.

(Rajendra Menon, CJ)

Sunil/-

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
Uploading Date	10.04.2017
Transmission Date	

