

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1645 of 2012

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Yamuna Prasad Singh, S/O Late Triveni Singh, R/O Village - Jehanabad,
P.S. Kudra, District – Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mr. Asangba Chuba Aao, S/O Not Known, the District Magistrate,
Kaimur At Bhabhua.
3. Mr. Rakesh Kumar, Son Not Known the Sub - Divisional Officer,
Mohania, District – Kaimur.
4. Mr. Pramod Kumar Chaube, Son Of Known the Anchal Adhikari,
Kudra, P.S. Kudra, District – Kaimur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha, G.A.1
Mr. Pawan Kumar, AC to GA-1

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

8 14-07-2017 On 22.07.2011 in CWJC No.9891 of 2008 when a
prayer was made for removal of encroachment from the area in
question, based on the counter affidavit it was found that
Encroachment Case No.4 of 2007-08 has already been initiated
and, therefore, respondent No.5, Circle Officer, was directed to
take necessary action and dispose of the pending encroachment
case.

Now, from the counter affidavit filed, it is seen that
after taking proceedings on 21.08.2015, certain findings have
been recorded and the encroachment proceedings have been
finalized. Learned counsel for the petitioner tried to indicate that
in the original enquiry report submitted, it was reported that



there is an enquiry and now in an illegal manner, the proceedings have been concluded.

If that be so, the petitioner is required to challenge the proceedings and the order passed as the order passed in the writ petition was only to decide the case. The manner in which the encroachment case has been decided and illegality has been committed in deciding the case cannot be a ground to initiate action for contempt.

Accordingly, finding no ground to initiate action for contempt, the matter stands disposed of.

(Rajendra Menon, CJ)

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