

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Miscellaneous Jurisdiction Case No.520 of 2017**

**In**

**Civil Writ Jurisdiction Case No.12758 of 2010**

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Ram Niranjan Gupta son of late Suraj Sao, resident of village- Ganjas, P.S. Mufassil, District-Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mr. Kumar Ravi, the District Magistrate, Gaya
3. Mr. Vikash Kumar Jaishwal, Sub-Divisional Officer, Sadar, Gaya
4. Mr. Binay Sharma, Circle Officer, Manpur, Gaya
5. Mr. Sanjiv Kumar, Deputy Development Commissioner, Gaya.

... .. Opp.Parties.

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**Appearance :**

For the Petitioner/s : Mr. Abhinay Raj  
For the Respondent/s : Mr. AAG12 MD. KHURSHID ALAM

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**  
**ORAL JUDGMENT**

15.11.2017

Heard both sides.

2. The application alleges wilful/deliberate disregard/disobedience of the order dated 30.08.2016 passed in C.W.J.C. No. 12758 of 2010 (Annexure P/1). The said writ petition was disposed of by the following order:-

*“Having heard the submissions of the parties, in my view, the ends of justice shall be subserved if the petitioner is granted an opportunity to file a detailed representation before the respondent District Magistrate setting out his grievance in detail supported by all relevant documents. If any such representation is filed within 03 weeks from today, the respondent District Magistrate shall make an appropriate enquiry after giving opportunity of hearing to the petitioner in the said enquiry and decide the claim with respect to the subject land. Until a final order is passed on the said representation of*



*the petitioner by the concerned respondent by a reasoned order, it is directed that the respondent(s) including the Agency/Company through which the construction of the road over the said land is being undertaken, shall restrain themselves from proceeding/going ahead further with the construction of the road on the subject land on and from the date the representation is filed.*

*With the aforesaid observation(s)/ direction(s), the writ petition is disposed of.”*

3. A show cause has been filed annexing thereto the order dated 17.08.2017 passed by the District Magistrate, Gaya in Misc. case no. 27 of 2016-2017 whereby the petition of the petitioner filed in the light of the said order was considered and rejected.

4. The petitioner has taken exception to the said order stating that the respondents-opposite parties before passing the said order got the jamabandi created in the name of the petitioner cancelled by an order dated 02.08.2017 passed in Jamabandi Cancellation Case No. 01 of 2014-2015. In the submissions of the learned counsel for the petitioner this is a breach of the order .

5. Conversely, learned counsel for the State, has submitted that the cancellation of the Jamabandi is a separate issue which can be challenged before the appropriate authority/forum. This Court had only directed for consideration



and disposal by a reasoned order of the representation of the petitioner. It is not a case that until disposal of the representation by the District Magistrate, Gaya, the road was constructed over the land in- question which was specifically restrained by this Court.

6. On a submissions made at Bar, in the considered view of the Court, there is no wilful /deliberate disobedience of the order. The contempt application is rejected.

7. If the petitioner is aggrieved by the order dated 30.08.2016 it shall be open to him to assail the same before the appropriate forum/authority in accordance with law.

**(Kishore Kumar Mandal, J)**

shyambihari/-

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