

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 1011 of 2015

In
Civil Writ Jurisdiction Case No. 21637 of 2012

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Shailendra Kumar, S/o Sri Ram Kumar Prasad Singh, Resident of Vill.
Gonawan, P.O.- Gonawan, P.S.- Harnaut, Distt. Nalanda.

... .. Petitioner

Versus

1. The State of Bihar, through, Sri S. Siddharth its Principal Secretary Rural Works Department, Govt. of Bihar, Patna.
2. Sri Banke Bihari Singh, S/o not known to petitioner The Superintending Engineer, Rural Works Department, Works Circle, Patna.
3. Sri Ram Chandra Ram, S/o not known to petitioner The Executive Engineer , Rural Works Department, Works Division, Biharsharif.
4. Sri U.K.Sharma, S/o not known to petitioner The Assistant Engineer, Rural Works, Division, Sub Division, Harnaut.
5. Sri B. Kartikaya, S/o not known to petitioner The District Magistrate, Nalanda.
6. Sri Ravi Ranjan Jamuar, S/o not known to petitioner The Circle Officer, Harnaut.
7. Satyendra Prasad Sinha, S/o Ram Ishwar Singh, R/o Araibenipur, P.O. Araibenipur, P.S. Daniyawa, District – Patna, The Executive Engineer, Rural Works Department, Works Division, Harnaut, Biharsharif.

... .. Opp. Parties

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Appearance :

For the Petitioner/s	:	Mr. Rewti Kant Raman
For the Respondent/s	:	AC to SC – 1
		Mr. Ranjit Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

18. 14-03-2018 Heard Sri Rewti Kant Raman, learned counsel for the petitioner, learned A.C. to Standing Counsel – 1 as well as Sri Ranjit Kumar, learned counsel, who has appeared on behalf of opposite party no. 7.

The present petition was filed for initiating contempt proceeding against opposite parties, particularly against opposite party/Executive Engineer, Rural Works Department on



an allegation of willful disobedience to an order dated 26-02-2013 passed in C.W.J.C. No. 21637 of 2012. This Court had disposed of the writ petition of the petitioner in the following manner:-

“...the writ petition stands disposed of directing the respondent no. 6/Circle Officer, Harnaut (Nalanda) to examine Annexure – 3 and take immediate step in the light of prayer made in Annexure – 3 and pass appropriate order in accordance with law within a period of two months from the date of receipt/production of a copy of this order.”

In compliance with the order of this Court, the Circle Officer examined the claim of the petitioner and during inquiry, it was found that soil from petitioner's land was used for the construction of the road, however; in the writ petition, a counter affidavit was filed, duly sworn by the respondent no. 6, in which, stand was taken that land of the petitioner was not used for the purposes of construction of the road.

Now, a plea is being taken that in the judicial proceeding, incorrect statement was made by respondent no. 6. However, the opposite party no. 7 in its show cause has tried to justify that over the land of the petitioner, road has not been constructed. Now dispute is being raised as to whether either soil of the



petitioner's land or land of the petitioner was used for the purposes of road or not.

After examining the entire record, I felt it difficult to adjudicate on this issue. Such question of fact may not be looked into while exercising contempt jurisdiction and as such, no purpose would be served in keeping the matter pending.

The petition stands disposed of with an indication that if the petitioner feels that he has got some genuine cause or grievance, he would be at liberty to avail appropriate remedy.

The petition stands disposed of.

(Rakesh Kumar, J.)

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