

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2921 of 2015

In

Civil Writ Jurisdiction Case No. 4894 of 2011

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Smt. Basanti Devi, wife of Bans Raj Singh, resident of Mohalla
– Brahamasthan Road, Tube Well no. 2, Sheikhpura, Opposite
S.B.I., I.G.I.M.S. Branch, P.O. B.V. College, District – Patna.

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary Govt. of Bihar, Patna.
2. Mr. Anjani Kumar Singh, the Chief Secretary, Govt. of Bihar, Patna.
3. Mrs. Pratibha S. Verma, the Collector, Patna, District – Patna.
4. Mr. Jai Singh, Patna Municipal Corporation, Commissioner, Patna.
5. Shameem Akhtar Mazhari, Anchal Adhikari, Patna Sadar, Patna.

.... Opposite Parties/Contemnors

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Appearance :

For the Petitioner/s : Mr. Nageshwar Prasad Sinha
For the Respondent/s : Mr. Sc11 Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8. 19-09-2018

Heard learned counsel for the parties
and learned Advocate Commissioner.

During pendency of this application and
pursuant to the orders passed by this court on
earlier occasions, the report of the learned
Advocate Commissioner as well as Executive
Officer, Patna Municipal Corporation are now
available on the record.



What has transpired from these reports is that there is a serious dispute over the nature of the land and for the present even the Advocate Commissioner and the Executive Officer of the Municipal Corporation, Patna, have taken a view that these are in the nature of Raiyati Land. These are however not the concluded opinions but what has transpired during their inspection. Both of them have stated that the persons who are living there and with respect to whom it is alleged that they have subjected public land to encroachment did not produce the documents showing their entitlement. Even it is stated that the petitioner could not produce her documents. However learned counsel representing the petitioner submits that his client has given instruction that she would be ready to produce the documents.

At this stage, one I.A. No. 7296/2018 has come to be filed on behalf of some persons who have sought to intervene in the matter, as



according to them, they are likely to be affected by the order passed by this court. They have brought on record certain orders which were passed in the proceedings *inter se* between the parties. It is not in dispute that the husband of the petitioner had earlier brought an encroachment proceeding before the learned Deputy Collector, Land Reforms, Sadar Patna, and in the said case, despite sometime granted, the Irrigation Department had failed to produce any document showing acquisition of the land on which the *Nalcoop* was established.

Be that as it may, going through the order of the learned writ court, this court is of the considered opinion that the direction was to enquire into the matter which has been done but the findings of such enquiry is not clear for various reasons shown in the reports.

In the nature of controversies, this contempt application cannot proceed. It is disposed off giving liberty to the petitioner to



agitate her claim before a competent authority in
an appropriate jurisdiction.

This application stands disposed off,
accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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