

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2602 of 2016

In
Civil Writ Jurisdiction Case No.13627 of 2015

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Bijay Kumar Sah Son of Sri Bageshwar Prasad Sah resident of Binobanagar,
Sultanganj, P.S. Sultanganj, District Bhagalpur. Petitioner

Versus

1. The State of Bihar.
2. Mr. Adarsh Titarmare, the District Magistrate, Bhagalpur, District Bhagalpur.
3. Mr. Kumar Anuj, the Sub Divisional Magistrate, Bhagalpur Sadar, District Bhagalpur.
4. Mr. Sridhar Pandey, the Anchal Adhikari, Sultanganj Anchal, Sultanganj, District Bhagalpur.
5. Mr. Vishal Anand, the Block Development Officer, Block - Sultanganj, District Bhagalpur.
6. Mr. Kripa Shanker Azad, The Thana Adhyakach (S,H.O.), P.S. Sultanganj, District Bhagalpur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Amar Nath Mishra

For the Respondent/s : Mr. Vivek Prasad (Gp7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-08-2018 The grievance of the petitioner is that while the interim order of status quo passed on 10.09.2015 in Civil Writ Jurisdiction Case No. 13627 of 2015 was still operative, the opposite parties violated the said order of status quo by taking steps to remove the Kanwar Shops which the petitioner had opened on the land in question to earn his livelihood. It is the stand of the petitioner that he was doing such business for years together without there being any disturbance by the local authorities or by the private respondents.

The show cause filed on behalf of the opposite parties states in paragraph 8 that the petitioner along with his associates were using the area in question as parking space during the Shrawni Mela illegally without any license or permission of the authority concerned



which has been prevented by the authorities and only in retaliation of the same the present contempt application has been filed. While answering the queries raised by this Court, learned counsel for the petitioner submits that the petitioner's possession by virtue of the Parcha has not been disturbed by the authorities and with that regard the status quo order is still intact. The grievance is limited to the interference of the authorities in the matter of use of the land for parking space or opening of the Kanwar Shops.

Having heard learned counsel for the petitioner and learned counsel representing the State, this Court finds that no case for contempt is made out against the opposite parties. Admittedly, the petitioner is in possession of the land which he is said to have got by virtue of the Parcha issued in his favour and which is in question in the writ application. The kind of grievance which has been sought to be raised by filing of this contempt application does not inspire confidence of this Court to proceed with the contempt application. It is accordingly, dismissed.

(Rajeev Ranjan Prasad, J)

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