

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3625 of 2016

In
Civil Writ Jurisdiction Case No.1515 of 2012

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Jageshwar Mistri

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

=====

with

Miscellaneous Jurisdiction Case No. 3626 of 2016

In
Civil Writ Jurisdiction Case No.1515 of 2012

=====

Mahendra Mistri

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

=====

with

Miscellaneous Jurisdiction Case No. 3627 of 2016

In
Civil Writ Jurisdiction Case No.1515 of 2012

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Arjun Sharma

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

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with

Miscellaneous Jurisdiction Case No. 3674 of 2016

In
Civil Writ Jurisdiction Case No.1152 of 2012

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Sarita Devi Wife of Late Jagdish Prasad, resident of Village- Bhagwanpur,
P.S. Pakaribarawan, District- Nawada proprietor of M/s Jagdish Prasad Saw
Mill, Bhagwanpur, P.S. Pakaribarawan, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sri Vivek Kumar Singh, the Principal Secretary, Environment & Forest Department, Government of Bihar, Patna.
3. Sri D.K. Shukla, the Principal Chief Conservator of Forest, Bihar, Patna.
4. Sri Abhay Kumar Dwevidi, Conservator of Forest, Gaya Circle, Gaya.
5. Sri Alok Kumar, The Divisional Forest Officer, Nawadah Forest Division Nawadah.
6. Sri Vimal Kumar, Ranger, Kauakole Forest Range, Kauakole, P.S. Kauakaole District- Nawadah.



7. Sri Banke Paswan, Forester, Kauakole, P.S. Kauakaole District- Nawadah.
... .. Respondent/s

Appearance :

(In Miscellaneous Jurisdiction Case No. 3625 of 2016)

For the Petitioner/s : Mr. Vinay Mistry

For the Respondent/s : Mr. Aag13 Sarvesh Kumar Singh

(In Miscellaneous Jurisdiction Case No. 3626 of 2016)

For the Petitioner/s : Mr. Vinay Mistry

For the Respondent/s : Mr. Aag13 Sarvesh Kumar Singh

(In Miscellaneous Jurisdiction Case No. 3627 of 2016)

For the Petitioner/s : Mr. Vinay Mistry

For the Respondent/s : Mr. Aag13 Sarvesh Kumar Singh

(In Miscellaneous Jurisdiction Case No. 3674 of 2016)

For the Petitioner/s : Mr. Vinay Mistry

For the Respondent/s : Mr. Aag13 Sarvesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 13-09-2018 Learned counsel for the petitioner has argued strenuously to persuade this Court to go in certain issues which were not the subject matter of consideration before the learned Writ Court. It appears that even before filing of this contempt application, the fixtures and fittings of the Saw Mill in question were demolished and were taken by the Foresters. It is alleged that the action of the Foresters was in breach of the interim order of this Court whereby the impugned order of the writ application were stayed. It is submitted that some matters arising out of the said action was taken up by the some of the aggrieved persons in C.W.J.C. No. 7444 of 2015 in which it was found that neither the Foresters nor the Police Officer can assume power in breach of Section 8 of the Act to sell and seize the materials of the Saw Mill. The Letters Patent Appeal preferred by the State



of Bihar in L. P. A. No. 1183 of 2016 also failed.

This Court finds that the C.W.J.C. No. 7444 of 2015 was filed for release of the materials which were seized from the Saw Mill. It is not the subject matter of consideration in the present application. This Court would not go into the issues which were not before the learned Writ Court while passing the order of which contempt has been alleged.

Learned counsel representing the Opposite Party Nos. 5 to 7 has drawn attention of this Court towards the show cause filed on their behalf. The reasons shown for the action taken by the opposite parties are in the light of the judgment of the Hon'ble Apex Court passed in W.P. (C) 202 of 1995 known as **Godavarman Thirumulkpad Case.**

In the aforesaid view of the matter, this Court does not find any reason to proceed with the contempt application as it is not a case of willful disobedience of the order passed by the learned Writ Court.

This contempt application cannot proceed, it is disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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