

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

**Miscellaneous Jurisdiction Case No.3090 of 2016**

**In**

**Civil Writ Jurisdiction Case No. 15135 of 2015**

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Most Bibi Sabroon, daughter of Late Seraj Khan and Widow of Late Nurul Husan, resident of Pirpainty Bazar, P.S. – Pirpainty, District – Bhagalpur, at present residing at village and post – Puraini, Mohalla – Talabpuar, P.S. – Jagdishpur, District – Bhagalpur.

.... .... Petitioner

Versus

1. The State of Bihar.

2. Mr. Adesh Titarmare, the District Magistrate cum Collector, Bhagalpur.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Jha, Advocate

For the Respondent/s : Mr. Fakhruddin Ali Ahmad, A.C. to A.A.G.12

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

**3. 25-08-2018**

While disposing of CWJC No. 15135 of 2015,

this court took note of the grievance of the petitioner that the awards arising out of the land acquisition proceeding were prepared only in the name of her four brothers who were respondent nos. 5 to 8 and the claim of the petitioner has been ignored. This court took note of the statutory remedy available to the petitioner and relegated her back to the Collector to move an application in terms of the statutory provision which was to be decided by the Collector strictly in accordance with law.

Now by filing a show cause on behalf of the opposite party no. 2, learned counsel for the State has argued that the District Magistrate-cum-Collector, Bhagalpur has



passed an order referring the matter to the Tribunal namely, Land Acquisition Authority, Bhagalpur under Section 64 and 76 of the Land Acquisition Act, 2013. A copy of the order passed by the respondent no. 2 has been brought on record. However, it is the contention of the petitioner that the said report does not show her as daughter of late Seraj Khan. It is submitted that the Collector has not mentioned about the present petitioner in his order of reference, and therefore the said reference is bad in law.

Going through the nature of the contention, this court finds that the issues being raised by the petitioner at this stage cannot be adjudicated in a contempt proceeding. She will have to seek her remedy in an appropriate proceeding in appropriate jurisdiction. So far as this contempt application is concerned, it is not fit to proceed. Liberty is granted to the petitioner to avail her remedy in accordance with law.

This contempt application is disposed off accordingly.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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