

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3711 of 2017

In
Civil Writ Jurisdiction Case No.11512 of 2017

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Most. Chanmuna Kunwar, Wife of late Jang Bahadur Yadav, Resident of
Village- Doghra, P.S. Bihiya, District- Bhojpur at Arrah.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mr. Manoj Kumar, the Circle Officer, Bihiya, District Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha
For the Respondent/s : Mr. Md. Khurshid Alam - AAG 12

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 04-07-2018 The present application has been filed for initiation of

contempt proceeding against Opposite Party No.2, the Circle
Officer, Bihiya for willful violation of the order dated
30.08.2017, passed in C.W.J.C. No. 11512 of 2017, whereby the
Opposite Party No.2, the Circle Officer, Bihiya was directed to
get the land in question measured and demarcated after giving
due notice to all affected persons and in presence of all affected
persons and the local Panchayat representative, within a period
of two months from the date of receipt/production of a copy of
this order.

In the earlier show cause dated 13.02.2018, undated
report of the Circle Amin was brought on record to suggest that
measurement of the land in question was done, but the show
cause did not reflect that measure was done in presence of



affected persons and Panchayat representatives. The second show cause dated 04.07.2018 has been filed on behalf of Opposite Party No.2, the Circle Officer, Bihiya stipulating therein in paragraph nos. 9 and 10 that the measurement and demarcation of the land in question has been done on 29.06.2018, in presence of Executive Magistrate, Jagdishpur, local representative, SHO, Bihiya, In-Charge Circle Inspector, Bihiya, Revenue Karamchari, Mukhiya of Gram Panchayat, Doghra, Sarpanch, Gram Panchayat Doghra, Ward Member, the petitioner and other affected persons. Paragraph nos. 9 and 10 of the second counter affidavit read as follows:-

“9. That the measurement work has been commenced on 29.06.2018 in the presence of Executive Magistrate, Jagdishpur, local representative, SHO, Bihiya, Incharge Circle Inspector, Bihiya, Revenue Karamchari, Mukhiya of Gram Panchayat, Doghra, Sarpanch Gram Panchayat, Doghra, Ward Member, Petitioner and other side as well as local villagers, the signature of the persons present has been taken by the Executive Magistrate, Jagdishpur, District Bhojpur on 29.06.2018.

10. That the Anchal Amin, Bihiya Bhojpur has submitted its measurement report along with measurement map to the Anchal Adhikari, Bihiya, Bhojpur on 02.07.2018, wherein it has been stated that after measurement pillar have also been fixed alongside the corner of the land.”

Mr. Bhola Prasad, learned counsel for the petitioner submits that though with delay, the order of this Court has been complied with and measurement and demarcation of the land in question has been done.

Now learned counsel for the petitioner is aggrieved



with non-removal of the encroachment from the public road.

This Court is not inclined to decide the said issue in the present proceeding.

In the present proceeding, this Court can only look into non-compliance of the earlier order of this Court. However, the petitioner is at liberty to raise his grievance of encroachment made on a public road, by filing appropriate application before the concerned Circle Officer.

In view of the fact that the order passed in the writ application has been complied with, though with delay, this Court is not inclined to proceed with the matter any further. The personal appearance of Opposite Party No.2, the Circle Officer, Bihiya is dispensed with.

However, Opposite Party No.2 should be careful in future in complying the order of this Court.

Accordingly, with the above observations and directions, the present application is disposed off.

(Dinesh Kumar Singh, J)

Amrendra/-

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