

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2739 of 2016

Arising out of

Civil Writ Jurisdiction Case No.3729 of 2015

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Ram Dayal Singh @ Ram Dayal Singh Kushwaha son of Late Sakhi Singh Kushwaha, resident of Village + P.O.- Pahariya, P.S. + Circle- Bhagwanpur, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna, namely Sri Anjani Kumar Singh.
2. The District Magistrate, Kaimur (Bhabua) namely Sri Rajeshwar Prasad Singh.
3. The S.D.O., Bhabua namely Sri Lalan Prasad.
4. The Circle Officer, Bhagwanpur, Kaimur, namely Sri Anil Kumar Mishra.
5. Gowardhan Bind
6. Sowandhan Bind
7. Kishori Bind
All Sons of Late Dhanesh Bind.
8. Sukhu Bind, Son of Late Bachanu Bind, Respondent no. 5 to 8 are resident of village + P.O.- Pahariya, P.S. + Circle- Bhagwanpur, District- Kaimur (Bhabua).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar Sahay, Advocate
For the State : Ms. Manisha Singh, AC to GP 7

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 07-08-2019

Heard learned counsel for the petitioner and learned AC to GP 7 for the State.

2. The petitioner has moved the Court alleging non compliance of order dated 23.09.2015 passed in CWJC No. 3729 of 2015 by which the Circle Officer, Bhagwanpur in the district of Kaimur was directed to conclude the proceeding of Encroachment Case No. 08 of 2012-13 on its own merit and in accordance with



law following the due procedure laid down under the Bihar Public Land Encroachment Act, 1956 within three months after granting reasonable opportunity to all the concerned, including the private respondents.

3. Show cause has been filed on behalf of opposite party no. 1 in which the stand is that the encroachment has been removed on 26.10.2016 and further that the SHO, Bhagwanpur PS has been directed to ensure that if encroachment over the land recurs, strict legal action would be taken.

4. In view of the aforesaid, the Court finds that the order of the Writ Court has been complied with.

5. Accordingly, the application stands disposed off.

6. Before parting, the Court notices the fact that the show cause which has been filed in Court today by learned counsel for the State has been affirmed on 24.05.2017, copy of the same has been served on learned counsel for the petitioner in Court today only, i.e., after more than two years. The Court does not find any justification for non-service of copy of the show cause on learned counsel for the petitioner, despite it being affirmed more than two years back, especially when the mobile phone number of learned counsel is mentioned on the notice attached to the application, copy of which was served on learned counsel for the



State on 28.07.2016 and further that in the *vakalatnama*, mobile numbers of both learned counsel appearing on behalf of the petitioner have been mentioned.

7. The Court cannot accept such casual conduct in judicial matters, *moreso*, when the same relates to contempt.

8. In such view of the matter, the Court is constrained to impose cost of Rs. 5,000/- on the State for such conduct. The same be deposited in the Juvenile Justice Fund of State Social Welfare Department within two weeks from today and receipt filed. If the same is not done, office shall place the matter before the Bench for passing appropriate orders.

9. After the order was passed, an affidavit has been filed on behalf of the Advocate Clerk of learned GP 7 taking responsibility for such conduct and tendering apology.

10. In view thereof, the cost imposed of Rs. 5,000/- stands withdrawn with caution that such mistake be not repeated in future.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
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