

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1137 of 2018

In

Civil Writ Jurisdiction Case No.8884 of 2017

Jitendra Kumar Son of Sri Surendra Kumar Singh Resident of Village-Basuhar, P.S.- Poon-Poon, District- Patna at present residing at Mahalla Near Mother Teresa High School, Sipara, P.S.- Beur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Mr. Kumar Ravi, District Magistrate, Patna.
3. Mr. Bhavesh Mishra, Sub-Divisional Officer, Patna.
4. Mr. Manu Maharaj, Senior Superintendent of Police, Patna.
5. Mr. Arun Kumar Singh, Circle Officer, Phulwari Sharif Circle, Patna.
6. Mr. Ranjan Kumar, Officer-in-charge, Beur Police Station, Phulwari Sharif, Patna.
7. Krishan Murari Son of Late Saryug Singh Resident of Village Sipara, P.S.- Beur, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Binode Bariar
For the Opposite Party/s : Mr.Md. Khurshid Alam

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-09-2019 Heard learned counsels for the parties.

The present MJC application has been filed for initiating the contempt proceeding for willful violation of the order dated 6.7.2017 passed in CWJC No. 8884 of 2017.

This Court vide order dated 6.7.2017 passed in CWJC No. 8884 of 2017 directed the Circle Officer, Phulwarisharif to dispose of the representation of the petitioner within a period of four weeks and if he arrives at a conclusion that the encroachment has been made on a



public lane, then appropriate proceeding should be initiated under Section 3 of the Bihar Public Land Encroachment Act within a period of three weeks if not already initiated, and thereafter take such proceeding to its logical conclusion within a period of four months after giving due opportunity of hearing to all the affected persons.

A show-cause dated 9.8.2018 on behalf of O.P. Nos. 2,3 and 5 has been filed bringing on record the final order under Section 6(1) of the Bihar Public Land Encroachment Act dated 2.7.2018 passed by the Circle Officer, Phulwarisharif in Encroachment Case No. 13 of 2017-18.

In view of the fact that the encroachment proceeding was initiated and the same has been concluded, this Court need not proceed further in this matter.

However, if the petitioner feels aggrieved with the said order, he will be at liberty to challenge the same. It is expected that if an appeal is filed against the said order, the appellate authority may consider the application for condonation of delay in filing such appeal in view of the fact that this matter was pending before this Court.



This application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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