

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3138 of 2017
In

Civil Writ Jurisdiction Case No.15907 of 2016

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1. Markandey Roy, Son of Late Dashrath Roy
 2. Awadhesh Singh, Son of Late Jagalal Singh
 3. Vishwanath Singh, Son of Late Awadhesh Singh
 4. Kumar Shekhar, Son of Sri Arbind Kumar
 5. Ganesh Chandra Sao, Son of Late Shukhdeo Sao
 6. Rakesh Mani, Son of Sri Brij Nandan Yadav, All are residents of mohalla - Lekha Nagar, Khagaul Cantt. Road, P.S.- Khagaul, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Sri Anjani Kumar Singh, the Chief Secretary, Government of Bihar, Patna
2. Sri Anjani Kumar Singh, the Chief Secretary, Government of Bihar, Patna.
3. Sri Vivek Kumar Singh, the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna
4. Sri Anand Kishor, the Commissioner, Patna Commissionaire, Patna.
5. Sri Sanjay Kumar Agarwal, the Collector, Patna at Patna.
6. Sri Sanjeev Kumar, the Sub Divisional Officer, Danapur, District Patna.
7. Sri Mahendra Kumar Gupta, The Circle Officer, Danapur, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Kumar, Adv.

For the Opposite Party/s : Mr. Khurshid Alam, AAG-12

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 26-11-2019 The present application has been filed for following
relief:-



“That the present contempt petition is being filed praying for initiation of proceeding of contempt and for imposition of appropriate punishment against the opposite parties, for wilful and deliberate disobedience and non compliance of the order dated 03.10.2016 passed by Hon’ble the Chief Justice and Hon’ble Mr. Justice Dr. Ravi Ranjan of this Hon’ble Court in C.W.J.C. No. 15907 of 2016.”

The operative portion of the judgment dated 03.10.2016, passed in C.W.J.C. No. 15907 of 2016, of which the respondents have allegedly committed contempt, is reproduced as follows:-

“Having regard to the facts pleaded in this writ petition, the materials on record and, having heard learned counsel for both the parties, we find that the subject matter of this writ petition is fully covered by the observations made, and the directions given, by us in the order, dated 24.11.2015, passed in C.W.J.C. No. 4309 of 2015 (**Sanjay Jha Vs. The State of Bihar and Others**), reported in 2016(1) PLJR 248.

In view of the above and in the interest of justice, it is hereby directed that respondent No.5, namely, the Collector, Patna, shall act, in the present matter, in accordance with law, keeping in view the observations made and the directions given in the order, dated 24.11.2015, aforementioned.

The petitioner may furnish to respondent No.5, namely, District Magistrate, Patna, a copy of this writ petition along with annexures thereto and also a certified copy of this order.”



From the affidavit dated 02.08.2018, filed on behalf of opposite party nos. 5 to 7, it stands averred that the encroachment from the land in question stands removed after measurement of the encroached land by Circle Amin. Such statements are made in paragraph nos. 5 and 6 of the counter affidavit, which read as follows:-

“5. That it is pertinent to state that encroachment has been removed from the land in question bearing Mauza Ashopur, Thana no. 34, Plot no. 297, 689, 690, Mauza Babakarpur, Thana no. 35, Plot no. 417, 175, 177, 176, 117, 118, 112 and under Mauza-Mustafapur, Thana no. 36 Plot no. 50.

6. That in this regard the Revenue Karamchari has submitted his report dated 10.7.2018 that the aforesaid encroachment have been removed after measurement of the encroached land by Circle Amin.”

In the sub-rejoinder thereto, the petitioners point out the names of certain persons, whose encroachment has yet not been removed. But then we are not to examine this issue and as such, dispose of the present petition reserving liberty to the writ petitioners to independently initiate the proceeding with regard to such other and subsequent encroachment in accordance with law.

At least, it cannot be said that the respondents have not taken action in terms of direction issued by this Court or that



the act and conduct of respondent authorities are contemptuous.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

Amrendra/DKS

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