

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.2928 of 2016**

**In**  
**Civil Writ Jurisdiction Case No.18789 of 2015**

- 
- 
1. Ashok Kumar, S/o Late Shivdhari Singh
  2. Chandra Mauli Sharma, S/o late Shivrindan Prasad.  
Both are resident of Village- Bampur, P.S.- Chandi, in the district of Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Dr. Thiyag Rajan SM, s/o not known to the petitioner, the District Magistrate, Nalanda.
2. Mr. Ajeet Kumar Singh, S/o not known to the petitioner, the Sub-Divisional Magistrate, Hilsa, Nalanda.
3. Mr. Kumar Vimal Prakash, S/o not known to the petitioner, the Circle Officer, Nagarnausa, Nalanda.
4. Mr. Sanjay Kumar, S/o not known to the petitioner, the Chairman, Bihar Religious Trust Board, Patna

... .. Opposite Party/s

---

---

**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate  
For the Opposite Party/s : Mr.

---

---

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

ORAL ORDER

**(Per: HONOURABLE THE CHIEF JUSTICE)**

3      17-12-2019                      The present petition has been filed for initiating of contempt proceeding against the opposite parties and to punish the opposite party nos. 1 to 4 for their willful violation and disobedience of the order and direction dated 30.01.2016 passed by the Division Bench of this Court in C.W.J.C. No. 18789 of 2015 (Ashok Kumar & Ors. Vs. The State of Bihar & Ors.).



The order dated 30.01.2016 reads as under:

“Heard Mr. Sanjeev Kumar, learned Counsel, appearing on behalf of the petitioners, and Mr. Ajay, learned Government Advocate No.12, appearing on behalf of respondent Nos. 1 to 3. Also heard Mr. Ganpati Trivedi, learned Senior Counsel, appearing on behalf of respondent No.4.

Having regard to the fact that Encroachment Case No.03/2015-16 has been started against the encroachers under the Bihar Public Land Encroachment Act, 1956, this public interest litigation is closed with a direction to the respondents to ensure that the encroachment proceeding is taken to its logical conclusion in accordance with law expeditiously, within a period of three months from the date of receipt/production of a copy of this order by respondent No.3, namely, the Circle Officer, Nagarnausa, District- Nalanda. Respondent No.3 shall see to it that no encroachment takes place on the land, which is subject matter of this Public Interest Litigation, during the encroachment proceeding.”

In the show-cause the opposites parties have taken the following stand at para 6 and 7 of the show-cause, which read as under:



“06. That it is made clear here that the O.P. No.3 was very Vigilant in compliance of the impugned order dated 30.01.2015 and was taking steps in accordance with law, but in the meantime to avoid the forceful removal of encroachment one of the encroachers namely Vijay Yadav filed C.W.J.C. No. 7457, in which the Hon’ble Mr. Justice Ravi Ranjan vide his interim order dated 27.04.2016 imposed ban upon the O.Ps to take coercive steps against him for their removal from the concerned plot. Subsequently the Hon’ble Single Judge was pleased to dispose of the said writ petition on 04.05.2016 with direction to the petitioner to appear before the O.P. No.1 on 18.05.2016 along with a copy of the order and thereafter the O.P. No.1 shall fix a date in the presence of the petitioner for measurement by the Anchal Amin and demarcation of his plot no. 786 measuring 35 decimals. It was further directed to the authorities that they would be required to proceed expeditiously for removal of encroachment from plot No. 794 as ordered by the Division Bench of the Hon’ble Court in C.W.J.C. No. 18789/2015. However it was also held that order dated 27.04.2016 shall continue till such measurement and demarcation is done.

7. That, it is further made clear here that in the light of impugned order dated 30.01.2016 passed by the Division Bench



encroachments have been removed by the other encroachers except the petitioner of C.W.J.C. No. 7457/2016 namely Vijay Yadav, who intentionally avoided to appear before the O.P. No.1 as per direction of the Hon'ble Single Judge given in the order dated 05.04.2016 so that his Plot No.786 could not be demarcated and benefit of relaxations given by the Court remain continued as it appears from the letter no. 329 dated 24.06.2016 issued by the O.P. No.3.”

In view of the above, we find no reason to proceed in the matter. Accordingly, the present application is disposed of. However, it will be open for the petitioner to seek remedy in accordance with law.

**(Sanjay Karol, CJ)**

**( Anil Kumar Upadhyay, J)**

uday/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

