

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2693 of 2017

In
Civil Writ Jurisdiction Case No.3126 of 2016

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1. Bhuneshwar Rai and Anr Son of Late Huma Rai resident of village - Chak Sahwaz
 2. Channu Rai Son of Girja Rai resident of village - Latrahiyan, Both of P.S. Parsa, District - Saran

... .. Petitioner/s

Versus

1. The State Of Bihar, Through Mr. Harihar Prasad The District Magistrate, Saran At Chapra and Ors
2. Mr. Harihar Prasad, The District Magistrate, Saran at Chapra
3. Mr. Ram Bhajan Ram The Circle officer, Parsa, Saran
4. Bhuneshwar Rai
5. Chandeshwar Rai
6. Haridayal Rai All sons of Late Jaisi Rai
7. Dewnath Rai @ Bhulai Rai Son of Bathu Rai
8. Sobham Rai
9. Lal Babu Rai Both sons of Late Hari Charan Rai
10. Sheoji Rai Son of Late Punit Rai
11. Chandradeo Rai Son of Late Sheonarayan Rai All residents of village - Latrahiyan
12. Gopal Rai Son of Late Ramanand Rai resident of village Chak Sahwaz All of P.S. Parsa, District - Saran Chapra

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Adv.
For the Opposite Party/s : Mrs. Nutan Sahay, AC to AAG-12

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER



(Per: HONOURABLE THE CHIEF JUSTICE)

3 25-11-2019 The judgement reads as under:

“Heard Mr. Ashok Kumar Mishra learned Counsel for the petitioner, and Mr. Ajay, learned Government Advocate No.12. Appearing for the State-respondents.

The grievance of the petitioner, made in this writ petition, under Article 226 of the Constitution of India, in the nature of Public Interest Litigation, relates to encroachment of public path/public land.

Having regard to the facts pleaded in this writ petition, the materials on record and, having heard learned Counsel for the parties, we find that the subject matter of this writ petition is fully covered by the observation made and the directions given by us in the case of **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.2, namely, the District Magistrate, Saran at Chapra and the Circle Officer, Parsa, Saran, 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.

In view of the above, this writ petition is accordingly disposed of.”

Mrs. Nutan Sahay states that the proceedings for ejection stood initiated in terms of the aforesaid directions and the encroacher has preferred a proceeding in relation to which proceedings are pending before this Court.



As such, it cannot be said that the act of the respondent is contemptuous. The contempt application stands dismissed.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

K.C.Jha/-

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