

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.53 of 2018

In
Civil Writ Jurisdiction Case No.13562 of 2015

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Munna Kumar Son of Sri Shiv Nandan Yadav, resident of village- Sugao Tola
Dhira Bigha, P.S.- Makhdumpur in the district of Jehanabad

... .. Petitioner/s

Versus

1. The State Of Bihar Through Mr. Shree Vivek Kumar Singh, The Principal Secretary, Department Of Reve null null
2. Mr. Amir Subhani, Son of not known to the petitioner, The Principal Secretary, Department of Home, Government of Bihar, Patna
3. Mr. Jitendra Srivastava, Son of not known to the petitioner, The Commissioner, Magadh Division, Gaya
4. Mr. Alok Ranjan Ghosh, Son of not known to the petitioner, The District Magistrate-cum-Collector, Jehanabad
5. Mr. Paritosh Kumar, Son of not known to the petitioner, The Sub-Divisional Magistrate, Jehanabad
6. Mr. Priya Ranjan Kumar, Son of not known to the petitioner, The Circle Officer, Makhdumpur, Jehanabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar
For the Opposite Party/s : Mr.Khurshid Alam - AAG 12

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-09-2019 Heard learned counsels for the parties.

The present MJC application has been filed for initiating a contempt proceeding against the Opposite Parties for deliberate and willful violation of this Court's order dated 4.4.2017 passed in CWJC No. 13562 of 2015, whereby the Circle Officer, Jehanabad was directed to conclude the proceeding of Encroachment Case No. 19 of 2013-14 and if already concluded, implement/execute the final order by



resorting to provisions of Sections 6(2) and 7 of the Bihar Land Encroachment Act within a period of three months after giving due opportunity of being heard to the affected persons, provided the final order has not been either stayed or set aside in any collateral proceeding.

A show cause dated 21.5.2018 on behalf of O.P. Nos. 4,5 and 6 has been filed wherein in paragraph 4 it has been stated that final order passed in Encroachment Case No. 19 of 2013-14 has been complied with. Paragraph 4 of the show cause reads as follows:

“The final order passed in encroachment case no 19/2013-14 complied by these opposite party and the petitioner is satisfied with the act done by local administration and the petitioner signed in this prospect and now there is no any objection in respect of encroachment.”

A rejoinder to the show cause has been filed on behalf of the petitioner and in paragraph 4 of the same, it has been stated that though the encroachment has been removed but the demolished structure is still obstructing the public pathway. Paragraph No. 4 reads as follows:

“That it is most humbly submitted that although said encroachment over the said land in



question has been demolished but demolished material pieces of broken brick etc. has been kept left over there hence is still on mass obstruction in respect of Aam Rasta is exist due to that material laying over there which is creating more hurdle and obstruction in the Aam Rasta of the village Dhira Bigha.”

Mr. M.M. Khan, learned AC to AAG 12 submits that the demolished materials shall be removed within a period of three weeks.

Considering the fact that the writ order has substantially been complied with, this Court need not proceed any further in this matter.

This application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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