

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.207 of 2018

In
Civil Writ Jurisdiction Case No.6054 of 2017

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Hukum Deo Yadav S/o Late Bal Govind Yadav resident of Naya Tola Badia,
P.S. - Sadar, Dist - Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar Represented Through Chief Secretary Govt. Of Bihar,
Patna Namely Anjani Kumar Sinha, Old Secretariat Building, Patna
2. Sri Chandra Shekhar, District Magistrate, Darbhanga.
3. Sri Rakesh Kumar, Circle Officer, Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tilak Sao, Adv.
For the Opposite Party/s : Mr.Khurshid Alam - Aag 12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 12-12-2019 This application has been preferred praying inter alia
for the following relief/s:

“for initiation of contempt proceeding due to the
non-compliance of the order dated 03.07.17 passed in
C.W.J.C.N o.6054/17 by Hon’ble Mr. Chief Justice Rajendra
Menon sitting with Hon’ble Mr. Justice Anil Kumar Upadhyay
by which order the Hon’ble High Court has disposed of the
application with the Direction to the opp. Party no.2 to
conclude the encroachment proceeding already initiated by
him in D.A. Case No.991/15 within the period of 3 months
from the date of receipt of the order as contained under



annexure no.1 of this petition.”

Paragraph Nos. 6, 7, 8 and 9 of the show cause affidavit read as under:

"6. That the present Circle Officer after perusing the record, again requested S.D.O., Sadar to appoint Magistrate and to depute Police Force to remove the encroachment, fixing the date of 05/09/2018 for removal of encroachment.

7. That the SDO Sadar vide its order contained in Memo no. 664 dated 28/08/2018 deputed the police force and partial encroachment was removed, but thereafter public created heavy protest and stopped the removal work, saying that they have no other land to reside.

8. That thereafter an FIR was lodged with the local police, against the miscreants, who deter the public servant in performing the public duty, vide Sadar P.S. Case No. 353 of 2018 dated 05/09/2018 under section 147, 148, 188, 353, 337, 338 IPC.

9. That on enquiry it was also detected that the encroachers have no other land to reside and at present connecting road is free from encroachment. It was also found that the alternate land is suitable for settlement to the landless persons for making house."

As such, we are of the considered view that the present application has become infructuous. However, it will be open for the writ petitioner to seek appropriate remedy with regard to surviving grievances, if any.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

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