

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2815 of 2018

In
Civil Writ Jurisdiction Case No.10847 of 2018

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1. Arbind Kumar @ Aravinda Kumar, S/o Late Mewalal Sao, Resident of Village Ramchandrapur, Sathopur, Block Biharsharif (Opp. Durgasthan), District Nalanda, Bihar.
 2. Ramkhelawan Prasad @ Ramkhelawan Sah, S/o Late Buddhu Sao.
 3. Rajendra Prasad, S/o Late Buddhu Sao, Both resident of Village Murarpur, P.O. Biharsharif, P.S.- Laheri, District - Nalanda.

... .. Petitioners

Versus

1. The State of Bihar
2. Sri Brijesh Mehrotra, Principal Secretary, Land Reforms, New Secretariat, Patna.
3. Sri Thiagrajan S.M., The District Magistrate, Nalanda, Bihar.
4. Md. Naushad Alam, The Additional Collector, Nalanda, Bihar.
5. Kumar Prakashan, The L.R.D.C. Biharsharif, District Nalanda, Bihar.
6. Sri Arun Kumar Sinha, The Present Circle Officer, Biharsharif, Nalanda, Bihar.
7. Sri Sunil Kumar Verma, The Previous Circle Officer, Biharsharif, Nalanda, Bihar.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr.Ranjan Kumar Dubey, Advocate
For the State	:	Mr. Khurshid Alam, AAG 12

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

11 27-02-2019 The petitioners have filed this petition for initiation of a contempt proceeding against the opposite party nos.6 and 7 for deliberately and intentionally disobeying the order dated 21.06.2018, passed by this Court in CWJC No.10847 of 2018 by which this Court directed the Circle Officer to pass appropriate order on the petition of the petitioner no.1 filed on 03.05.2018



and on the petition of petitioners no.2 and 3 within two weeks from the date of receipt of this order.

The petitioners claimed that Khata No.180, Plot No.669 of Tauzi No.11146 and Khata No.181, Plot No.825, Area 63 decimals situated at Village Sathopur out of which 21 decimals belong to the petitioners. The ex-landlord Suija Narayan Prasad and Babu Ganesh Prasad of Mauza Sathopur settled the land through Hukumnama dated 15 Jeyastha 1345 Fasli in favour of one Rohan Mahto and Rohan Mahto came in possession. At the time of vesting of state, the ex-landlord submitted return showing that the land was settled in favour of Rohan Mahto and since then Rohan Mahto was paying rent. Rohan Mahto sold 13½ decimals land of Plot No.669 and 825 by registered sale deed dated 30.12.1958/03.01.1959 in favour of Babu Ramkhelawan Prasad and Rajendra Prasad, both sons of late Budha Sao of Mauza Murarpur. The Jamabandi No.101 was opened in the name of Ramkhelawan Prasad. All the four sons of Budhu Sao partitioned the property through Panchayati. An encroachment proceeding being Encroachment Case No.16/2/79-80 was initiated and after hearing and considering the materials available on record, the encroachment proceeding was dropped vide order dated 15.05.1981. After death of father of petitioner no.1, petitioners no.1 and 3 filed an application



before the Circle Officer for mutating his name vide Mutation Case No.148 of 2001. The mutation case was allowed and the petitioners were paying rent but all of a sudden, the respondent, Circle Officer, stopped issuing rent receipt in favour of the petitioners and the Circle Officer issued Letter No.1751 dated 09.11.2012 on the basis of which the Sub-Registrar refused to execute the sale deed on the ground that the land belonged to the government. The said order was challenged in CWJC No.22242 of 2013. The aforesaid writ petition was allowed on 28.05.2015 and the Letter No.1751 dated 09.11.2012 issued by the Circle Officer was quashed. Petitioners no.2 and 3 also filed CWJC No.9181 of 2016, which was allowed vide order dated 09.09.2016 and thereafter the sale deed executed by the petitioners were registered but the Circle Officer has not yet issued up-to-date rent receipts. The petitioners again fell in need of money and they have entered into an agreement to sell the land.

Learned counsel for the petitioners has stated that the dispute has already been set at rest vide order dated 28.05.2015, passed in CWJC No.22242 of 2013 but the Circle Officer did not issue up-to-date rent receipts. On such contention, this Court vide order dated 21.06.2018 directed the Circle Officer to dispose of the petition filed by the petitioners within two weeks



from the date of receipt of this order. It is submitted that the Circle Officer did not dispose of the petition of the petitioners and recommended the matter to the Additional Collector for cancellation of Jamabandi opened in the name of the petitioners.

Learned A.A.G.12 appearing on behalf of the State submits that the Circle Officer after having received the order dated 21.06.2018 disposed of the petition of the petitioners that the nature of land is Gair Mazarua Malik and Gair Mazarua Aam as recorded in survey khatian. The land is in common use of the villagers. The revenue Karamchari reported the matter and accordingly, the petition of the petitioners was disposed of and also letter was also sent to the Additional Collector for cancellation of Jamabandi No.342 standing in the name of Arvind Kumar with regard to land of Khata No.180 and 181, Khesra No.669 and 825, Area 21 decimals. There is no willful and intentional disobedience of the order of this Court.

From the facts of the case and after considering the submissions of both sides, I find that this Court vide order dated 21.06.2018 directed the Circle Officer to dispose of the petition of the petitioners already filed or filed within two weeks from the date of receipt of this order. The Circle Officer after having received the order of this Court held inquiry and it transpired that the land of Khata No.180 and 181 is recorded in the survey



record as Gair Mazarua Malik and Gair Mazarua Aam. The revenue Karamchari reported that the lands are not in possession of any particular person or the petitioners rather it is in the common use of the villagers and on such disposed of the petition of the petitioners for issuance of rent receipts. At the same time, the Circle Officer sent letter to the Additional Collector to cancel Jamabandi standing in the name of petitioners with regard to the lands recorded in the record of rights as Gair Mazarua Malik and Gair Mazarua Aam. Thus, I find that there is no willful and intentional disobedience of the order of this Court, therefore, I find that the Circle Officer has not committed any willful or intentional disobedience of the order of this Court and disposed of the petition of the petitioners immediately after receipt of the order. Hence, I find that no case is made out for initiation of contempt proceeding against the respondent and accordingly, this MJC petition is dismissed.

(Prabhat Kumar Jha, J)

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