

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2437 of 2018

In
Civil Writ Jurisdiction Case No.12962 of 2017

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Sheojee Roy, S/o Late Gariba Roy, R/o Vill.- Situhari, P.S. P.O.- Narayanpur,
Dist.- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Department of Revenue And Land Reforms, Govt. Of Bihar, Patna cum Departmental 2nd Appellate Authority (Public Grievance Redressal) namely Brajesh Mehrotra.
2. Divisional Commissioner, Patna cum 1st appellate authority Public Grievance redressal namely Aanand Kishore
3. The District Magistrate, Bhojpur at Arrah cum 2nd appellate authority Public Grievance redressal namely Sanjiv Kumar
4. The Additional Collector Bhojpur at Arrah cum 1st appellate authority Public Grievance redressal namely Shri Surendra Prasad
5. Sub-Divisional Magistrate, Sadar Arrah cum Public Grievance Redressal Officer, Sadar Arrah namely Arun Prakash
6. Land Reforms Deputy Collector Sadar Arrah namely Budha Prakash.
7. Circle Officer Agiaon, namely Anil Kumar.
8. Officer in-charge Narayanpur, in the district of Bhojpur namely Birendra Paswan.
9. Dinesh Rai, S/o Late Hari Nandan Ray, R/o Vill.- Situhasi, P.O. P.S.- Narayanpur, Distt.- Bhojpur.
10. Ramakant Mauar, Son of Late Ram Deep Mauar,
11. Lal Mohar Choudhary, Son of Bandhu Choudhary,
12. Rajendra Sharma, Son of Lakhu Sharma,
13. Binod Sharma, Son of Bhola Sharma,
14. Jai Narayan Sah, Son of Late Ram Gobind Sah,
15. Narendra Ram, Son of Late Raghav Ram,
16. Subodh Rai, Son of Baleshwar Rai,
17. Ram Ishwar Sah, Son of Mallu Sah,
18. Gorakh Choudhary, Son of Late Lal Mohar Choudhry, All resident of Village- Situhari, P.S.P.O.- Narayanpur, District- Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kamal Nayan Choubey, Sr. Advocat Mr. Sachchida Nand Singh, Advocate
For the Opposite Party/s	:	Mr.Md. 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 19-12-2019 The present petition has been preferred for punishing the opposite parties by initiating a contempt proceeding against them for not complying the order dated 16.10.2017 passed by a Division Bench of this Court in C.W.J.C. No. 12962 of 2017, titled as Sheojee Roy Vs. The State of Bihar & Ors.

The petition was disposed of in the following terms:-

“Inter alia contending that in the village in question over R.S. Plot Nos. 420, 436, 439 and 493, about 2/3rd of the road has been encroached by Respondent Nos. 9 to 18 and on complaint made, prima facie, encroachment is found to be established. In spite thereof the Circle Officer and the District Magistrate have not taken any action.

Keeping in view the aforesaid grievance of the petitioner and the provisions of the Bihar Public Land Encroachment Act, it is directed that on the petitioner filing a certified copy of this order along with relevant documents with respondent No. 7, the Circle Officer concerned and competent statutory authority under the Act, the Circle Officer shall initiate proceedings for removal of encroachment in accordance with law and conclude the same within six months.

With the aforesaid, this application is



disposed of.”

In respect to the instant petition, respondents have filed a show-cause on 29th November, 2018, inter alia, contending the following averments:-

“5. That it is stated that for removal of all encroachment mentioned above, a team was constituted and proper security were deputed for maintaining peace at the site and the encroachments were removed from the plot no. 420, 436, 439 and 493 on 6.10.2018 in the presence of Circle Officer Agiaon, SHO Narayanpur, SHO Azimabad, Circle Inspector Agiaon and Circle Amin Agiaon. After removal of encroachment a letter contained in letter no. 787/Agi. Dated 6.10.2018 has also been written to the SHO Narayanpur with a copy to all concerned with a request to look into the matter as no encroachment may reoccur in future and as such the order of this Hon’ble High Court has been complied with.”

From bare reading of the show-cause, evidently it is clear that the encroachment in question now stands removed. However, such fact is seriously disputed by Shri Choubey, learned senior Advocate by further adding that the authorities have filed false affidavit.

Well, at this stage, when in the rejoinder such fact is



not controverted, we are not inclined to accept the submission made by learned counsel for the petitioner.

However, while disposing of the present petition, we grant liberty to the petitioner to revive the present petition, or file a fresh petition, if the affidavit, on physical verification, is found to be false.

With the liberty aforesaid, the petition stands disposed of.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

P.K.P./-

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