

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4213 of 2016

In
Civil Writ Jurisdiction Case No.4309 of 2015

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1. The Saraswati Complex Residents' Association, Patliputra Colony, P.S.- Patliputra, District- Patna, represented through its President Ritesh Kumar, S/o Late Ramesh Prasad Resident of First Floor, Saraswati Complex, Nehru Nagar, Patliputra, District - Patna.
 2. Sanjeet Kumar S/o Late Suresh Prasad Resident of 405, Saraswati Complex, Nehru Nagar, Patliputra, District - Patna, Secretary of Sarawati Complex residents Association, Patliputra, District - Patna.
 3. The Saryug Complex residents Association, Patliputra, P.S. - Patliputra, District - Patna represented through its Secretary, namely Nikhil Kumar Rai, S/o Late Mahesh Prasad Resident of First Floor, Saryug Complex, Nehru Nagar, Patliputra, District - Patna.

... .. Petitioner/s

Versus

1. Sanjay Agrawal, District Magistrate, Patna
2. Madhav Kumar Singh, S.D.O. Patna Sadar, Patna.
3. Kumar Mithilesh Prasad Singh, D.C.L.R., Patna Sadar, Patna.
4. Shamim Akhtar Mazhari, Circle Officer, Patna Sadar, Patna.
5. Mr. Sanjeev Shekhar Jha, Officer-in-charge, Patliputra Police Station, Patna.
6. Sidh Nath Yadav S/o Late Kirpal Yadav
7. Ranjan Yadav S/o Sidh Nath Yadav
8. Jitendra Yadav S/o Sidh Nath Yadav
9. Rahul Yadav S/o Sidh Nath Yadav All 6 to 9 are residents of Nehru Nagar, Patliputra, infront of Saryug Complex, P.S. Patliputra, District - Patna.
10. The State of Bihar through Principal Secretary, Department of Land and Revenue.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lilawati Singh, Advocate
For the Opposite Party/s : Mr. Md. Khurshid Alam, AAG- 12

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 07-01-2020 The petition filed on 15.12.2016 is listed for hearing



for the first time today before the Court.

Heard learned counsel for the petitioners and learned counsel for the respondents.

The present petition has been filed for initiating the proceeding of Contempt of Court under Article 215 of the Constitution of India read with directions contained in Paragraph 25(iv) and (v) issued in C.W.J.C. No. 4309 of 2015 dated 24.11.2015, reported in 2016 (1) PLJR 248 (DB).

From the response (show-cause) filed by the State, we find the respondents to have substantially complied with the directions of this Court.

Relevant paragraphs i.e. Paragraphs No. 7 to 9 of the show-cause reads as under:-

“7. That the officer-in-charge of Patliputra P.S. submitted his report to the S.D.O. Patna Sadar vide non-F.I.R. Case No. 02/2016 dated 15.05.2016 requesting for initiation of proceeding under Section 133 of the Cr.P.C.

8. That the S.D.O. Patna Sadar, initiated case bearing no. 814(M)/2016 under Section 133 of the Cr.P.C. and after considering all the facts of records passed order dated 28.09.2016 in Misc. Case No. 814(M)/2016 directing the Circle Officer, Patna to initiate encroachment case and issue notice to the encroachers in accordance with law.



9. That the measurement of the land in question was done by the Circle Amin and report dated 22.07.2016 submitted to the Circle Officer, Patna, Sadar.”

As such, we do not find the act and conduct of the respondents in not complying with the judgment under contempt to be contumacious in any manner.

We dispose of the present petition reserving liberty to the writ-petitioner to initiate appropriate proceedings, if so required, in accordance with law.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

P.K.P./-

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