

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1108 of 2020

In
Civil Writ Jurisdiction Case No.6358 of 2019

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Alok Kumar Pathak, aged about 40 years (Male), son of Sri Umesh Shankar Pathak, R/o Village and P.O.- Malipur, P.S. Garhpura, District- Begusarai.

... .. Petitioner

Versus

1. The State of Bihar through Mr. Vevek Kumar, Principal Secretary, Department of Land Reforms and Revenue Department of Bihar, Patna.
2. Mr. Arvind Kumar Verma, District Magistrate, Begusarai.
3. Mr. Prem Kumar Sharma, The Circle Officer, Gadhpura, Begusarai.
4. Vimal Mahto, son of Rajendra Mahto @ Arjun Mahto, resident of Village Malipur, P.S. Gadhpura, District Begusarai.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Anil Kumar Roy, Advocate
For the Opposite Party : Mr. A.C. to S.C. 25

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-08-2022 Heard learned counsel for the petitioner and learned
counsel for the opposite parties.

The delay is condoned.

A show cause has been filed on behalf of the opposite
parties. Let the same be kept on the record.

It has been stated by learned counsel for the opposite
parties in paragraph no. 2 of the show cause that the order dated
02.04.2019, passed by this Court, in C.W.J.C. No. 6358 of 2019,
has already been complied with. Paragraph no. 2 of the said
show cause is as follows:-

“2. That in reply of the statement made in



para no. 1 of the contempt petition, it is submitted that the Encroachment Case No. 3/20-21 was initiated in view of the petition dated 10.07.2019 filed by the petitioner alongwith the copy of order dated 02.04.2019 passed by the Hon'ble High Court in C.W.J.C. No. 6358/2019. The Circle Officer directed the office to issue notice to the concerned parties and called for report from concerned Revenue Karamchari & Circle Inspector on 05.03.2022. Both parties appeared and substantiate their claim. The petitioner stated that the land in question (Sarak) is Govt. Land and also stated that Bimal Mahto got registered sale deed bearing no. 85 dated 05.01.2020 of the govt. land. The second party submitted the sale deed bearing no. 85 dated 05.01.2010 which was executed by Sayad Md. Sohail & Saiyad Md. Asfaque Usman, Saiyad Md. Tanbir Usmani S/O Late Md. Usmani. The description of land is mentioned in the sale deed as Khata No. 310 Khesara No. 1318 area 16 dhoor and recorded as Basgit Parti Kayami. Rent of the land is 20 Paise. The C.O., Gadhpura, after hearing the parties and on perusal of revenue record as available in the office and report of the Karamchari & Amin found that the land in question is recorded as Kayami Basgit Parti. Hence, it is clear that land in question is Raiyati Land. Revenue Karamchari submitted copy of Khatiyani in which Makan with Sahan is recorded and at present there is no disturbance on the road and land is Raiyati. Hence, encroachment proceeding is not maintainable. Rasta, is in existence as per report of the Anchal Amin. Hence, encroachment proceeding is dropped, vide order dated 05.03.2022. Since the Circle Officer, Gadhpura, has complied the order dated 02.04.2019 as passed by the Hon'ble High Court and as such this contempt petition is fit to be rejected."



Considering the same, no order is required to be passed in the present case.

Accordingly, the present contempt application stands disposed of.

(Sudhir Singh, J)

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