

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.584 of 2017

In
Civil Writ Jurisdiction Case No.12639 of 2015

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Rabindra Kumar Singh, Son of Sri Ram Charitra Prasad Singh, resident of Mohalla- Shantar, Ward No.13, Purani Bazar, Lakhisarai, Under Lakhisarai Municipality Area, P.S + District , Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar Through Mr. Anjani Kumar Singh, The Chief Secretary and Ors

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Advocate

For the Opposite Party/s : Mr.Yogendra Prasad Sinha – Aag7

For Nagar Parishad Lakhisarai: Mr. Avinash Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 18-04-2022

This contempt petition has been filed for initiation of contempt proceeding against the opposite parties for deliberate and wilful violation of order dated 2.5.2016 passed in CWJC No.12639 of 2015.

Petitioner had filed the writ petition in nature of public interest litigation seeking direction for taking appropriate steps for removal of encroachment made by private respondent no.8 over the public land.

Respondent no.8 had filed a writ petition being CWJC No.191 / 2013 against the order passed in Encroachment



Case No.1/2011-12 by the Executive Officer, Lakhisarai in which it was found that he has encroached over the public land which was dismissed by order dated 18.04.2014 , however, liberty was granted to respondent no.8 to file an appeal under the provisions of Bihar Municipal Act and respondent no.8 filed an appeal before the appropriate forum being Appeal No.4/2018, however, according to petitioner, such appeal was not maintainable. This Hon'ble Court disposed of the writ petition with following direction:-

“We are, therefore, in the present proceeding under Public Interest Litigation, not inclined to go into the question of maintainability of the said appeal. It will, however, remain open to the petitioner to raise objection of this nature before the Tribunal and it will be for the Tribunal to consider and decide the question as to whether the appeal is maintainable or not.

In the facts and circumstances of the case, noticed above, we close this proceeding with a direction to the Municipal Building Tribunal No.II to dispose of Appeal No. 4 of 2015, within a period of three months from the date of appearance of the parties to the said appeal, including the petitioner of the present case.

This application stands disposed of accordingly.”

Today, the parties have admitted that said appeal has been disposed of and direction issued by the Court stood complied, although belatedly.

In such view of the matter, this Court is not inclined



to continue with the present contempt petition and is accordingly, disposed of. However, it shall be always open to petitioner to approach the competent authority under the Public Land Encroachment Act or Municipal Act for removal of encroachment made over the public land and authorities are duty bound to remove any encroachment made by private individual over the public land.

This MJC is accordingly, disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	17.05.2022
Transmission Date	

