

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.478 of 2021

In

Civil Writ Jurisdiction Case No.4394 of 1986

Chandrika Singh Son of Late Mathura Singh, Resident of Village - Laru, P.O.
- Dema, P.S. Mohanpur, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shri Abhishek Singh, son of not known to the petitioner, Collector, District - Gaya.
3. Shri Manoj Kumar, Son of not known to the petitioner, Additional Collector, District - Gaya.
4. Shri Upendra Pandit, Son of not known to the petitioner, Sub Divisional Officer, Sherghati, District - Gaya.
5. Numan Ahmad, Son of not known to the petitioner, Circle Officer, Mohanpur, District - Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinu Kumar, Advocate
Ms. Ritika Rani, Advocate
For the Opposite Party/s : Ms. Nutan Sahay, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 20-04-2023

Heard Mr. Dinu Kumar, learned Advocate for the
petitioner and Ms. Nutan Sahay for the State.

The petitioner had approached this Court *vide*
CWJC No. 4394 of 1986 for the purposes of getting the
order dated 22.11.1983 passed by the Additional
Collector, Gaya declaring 9.84 Acres of land belonging to
the petitioner as surplus land of Bodh Gaya Math in a



ceiling proceeding initiated against the said Math, to be quashed.

After hearing the parties the prayer was allowed and the orders contained in Annexures 1 to 4, which are the orders upholding the order passed by the District Collector by the superior authorities were quashed so far as it related to the land of the petitioners.

The authorities were also directed to exclude the lands claimed by the petitioners from the ceiling proceeding of the Math. Those lands were also directed to be excluded from final publication made under Section 11 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 and the Gazette publication made under Section 15 of the said Act.

It appears that thereafter no order was passed and no notification under Section 11 or Gazette notification under Section 15 was issued.

However, the petitioner has approached this Court in contempt only in the year 2021.

A perusal of the show-cause reply indicates that the matter has yet not been decided though the parties have been heard. On one occasion, the judgment was reserved by the District Collector after hearing the parties but no final decision has been taken as yet.



This Court finds that since no time limit was provided in the order passed on 05.03.1997 in CWJC No. 4394 of 1986, there is no occasion for this Court to pass any order for compliance of such order in a contempt jurisdiction.

Nonetheless, in order to bring finality to the issues, we direct that the proceedings ought to be taken to its logical conclusion within a further period of three months, failing which the petitioner may have the liberty to approach this Court again.

This contempt petition is disposed of accordingly.

(Ashutosh Kumar, J)

(Harish Kumar, J)

krishna/shivank

AFR/NAFR	NAFR
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