

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2810 of 2018

In
Civil Writ Jurisdiction Case No.5223 of 2017

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Dharam Nath Sharma Son of Late Adalat Thakur, resident of village -
Andharwara, Police Station Raja Pakar in the district of Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar Through Mr. Brijesh Mehrotra, The Principal Secretary, Department Of Revenue and Land Reforms, Government of Bihar, Patna.
2. Mr. Brijesh Mehrotra, son of not known to the petitioner, The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. Mr. Rajeev Raushan, son of not known to the petitioner, The District Magistrate - Cum - Collector, Vaishali at Hajipur.
4. Mr. Sandeep Shekhar Priyadarshi, son of not known to the petitioner, The Sub - Divisional Magistrate, Vaishali at Hajipur.
5. Mr. Dinesh Kumar, son of not known to the petitioner, the Circle Officer, Hajipur in the district of Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Md. Khurshid Alam - Aag 12

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 27-09-2023 Heard Mr. Ranjeet Kumar, learned counsel appearing

on behalf of the petitioner and Sri Shailendra Kumar, learned

counsel for the State.

2. The petitioner by filing the present application
seeking initiation of contempt proceeding against the opposite
parties for their alleged willful defiance of the order dated
22.11.2017 passed by the learned Bench of this Court in CWJC
No. 5223 of 2017.

3. While disposing the aforementioned writ petition, the



learned Court has been pleased to direct respondent no. 5, Circle Officer, Hajipur, to examine the revenue records and if need be make spot verification, and if it appears to him that the land in question is a public land and the same has been encroached upon, then initiate a proceeding under the Act within a period of four weeks from the date of receipt/production of a copy of this order, if it has already been initiated, then take the same to its logical conclusion within a period of three months of its initiation after giving due opportunity of hearing to all affected persons, in accordance with the provisions of the Act.

4. Show cause affidavit has been filed on behalf of the opposite parties no. 3 to 5 and a categorical averment has been made that on representation filed by the landless residents of Andharwara, a Land Settlement Case Record No. 5/2018-19 has been initiated. Thereupon, Parwana of land settlement has been prepared in the name of settlees by the Circle Officer, Hajipur in furtherance of the proceeding of land settlement. It has also been clarified that the landless persons having their house and huts on the land recorded in the name of *Gairmajrua* Bihar Sarkar have been settled over there taking into consideration that the road passing through the land for smooth traffic; and settlement in no way make any impediment in the free flow of traffic and



commutation. He further submits that the aforesaid action has been taken by the State Government in order to secure life and survival of landless person.

5. On the other hand, learned counsel for the petitioner vehemently submitted that the settlement has been made in defiance of the order of this Court, as the order was clear in its terms for removal of the encroachment. He further submits that the person who have been settled are not landless person rather they are in occupation of Indira Awas and other lands.

6. Having considered the averments made in the show cause affidavit and the submissions advanced on behalf of the parties, this Court *prima facie* does not find any case for initiation of proceeding and accordingly, the present petition stands disposed of with liberty to the petitioner that if petitioner has any grievance with regard to the settlement of any person who is not landless he may pursue any other remedy available under law.

7. Accordingly, contempt application stands disposed of.

(Harish Kumar, J)

Ranjeet/-

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