

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3840 of 2018

In
Civil Writ Jurisdiction Case No.17550 of 2012

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Abdul Wahab Ansari Son of Late Niazamuddin Ansari, Resident of Ishrat Villa, Aman Vihar, Sector-2, Haroon Nagar, P.S.- Phulwarisharif, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Mr. Deepak Kumar.
2. Mr. Brajesh Mehrotra, Principal Secretary, Land Reforms and Revenue Department, Govt. of Bihar, Patna.
3. Mr. Kumar Ravi, The District Magistrate, Patna.
4. Mr. Pratyush Kumar, Land Acquisition Officer, Patna.
5. Mr. Chhote Narayan Thakur, Circle Officer, Sampatchak, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Jitendra Kumar Rai, Adv.
For the Opposite Party/s :	Mr. Raghwanand, GA-11
	Mr. Pratik Kumar, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 14-09-2023 Heard Mr. Jitendra Kumar Rai, learned counsel for the petitioner and Mr. Pratik Kumar, learned counsel for the State.

2. The petitioner presses the instant contempt application, seeking initiation of a contempt proceeding against the opposite parties for their wilful defiance of the order dated 22.08.2017 passed in C.W.J.C. No. 17550 of 2012.

3. Learned counsel for the petitioner submits that in terms of the order dated 04.04.2013 passed in C.W.J.C. No. 17550 of 2012, O.P. No. 2, Principal Secretary, Land Reforms



and Revenue Department, Government of Bihar, directed for the institution of the FIR and also initiated a departmental proceeding against the petitioner, which was not the intent of the order. While drawing the attention of this Court to the order dated 04.04.2013, he submits that there was only a direction to examine the matter and thereafter the State was required to file a detailed counter affidavit. But the opposite parties proceeded beyond the intent of the order passed by the Court and directed for initiation of FIR and initiated departmental proceeding and, as such, the opposite party committed a wilful defiance of the order of this Court.

4. Learned counsel for the State submits that the order dated 04.04.2013 has been merged with the final order dated 22.08.2017 passed in C.W.J.C. No. 17550 of 2012, and furthermore the petitioner had assailed the order dated 04.04.2013 by filing a writ petition being C.W.J.C. No. 9676 of 2016 for redressal of his grievance, which stood dismissed as not pressed giving liberty to the petitioner to invoke the jurisdiction of appropriate forum in accordance with law. He further submits that the order passed by O.P. No. 2, Principal Secretary, Land Reforms and Revenue Department, Government of Bihar, is in consonance with the order of this Court, whereby



direction was given to him to examine the matter. He further submits that having examined the matter, O.P. No. 2 has found serious irregularities against the petitioner and, as such, the direction for institution of the FIR and initiation of a departmental proceeding was in no way contrary to the intent of the order of this Court.

5. I find substance in the submission of the learned counsel for the State that the order passed by O.P. No. 2, Principal Secretary, Land Reforms and Revenue Department, Government of Bihar, is in consonance with the order of this Court and, as such, no case is made out for initiation of a contempt proceeding. Accordingly, the present contempt petition is disposed of.

(Harish Kumar, J)

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