

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1042 of 2022

In
Civil Writ Jurisdiction Case No.20689 of 2021

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1. Arjun Prasad son of Kanshi Yadav, resident of New Bus Stand More, Mohalla-Karbigahiya, P.O. G.P.O., P.S. Jakkanpur, District-Patna.
 2. Anita Devi, Wife of Sachidanand Kumar, resident of New Bus Stand More, Mohalla-Karbigahiya, P.O. G.P.O., P.S. Jakkanpur, District-Patna.
 3. Anil Kumar, Son of Late Moti Lal, resident of New Bus Stand More, Mohalla-Karbigahiya, P.O. G.P.O., P.S. Jakkanpur, District-Patna.
 4. Krishna Prasad, Son of Late Pannu Lal, resident of New Bus Stand More, Mohalla-Karbigahiya, P.O. G.P.O., P.S. Jakkanpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. Sri Brijesh Mehrotra, Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
3. Dr. Chandrashekhar Singh, Collector, Patna.
4. Sri Krishna Kanhaiya Prasad Singh, The Additional Collector, Patna.
5. Sri Jitendra Pandey, Circle Officer, Patna Sadar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gaurav Govind
For the Opposite Party/s : Mr.Sajid Salim Khan (Sc25)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 15-12-2023

1. Heard the parties.

2. The petitioners have filed the present contempt application for initiation of contempt against opposite parties for their defiance of the interim order dated 07.01.2022 passed by this Court in C.W.J.C. No. 20689 of 2022 in which this Court directed the parties to maintain status quo and further operation of the notice dated 28.12.2021 issued by the Circle Officer,



Patna was stayed.

3. Learned counsel for the petitioners submits that the notice dated 21.12.2018 was challenged by the petitioners, in the aforesaid writ application, whereby, the petitioners were directed to remove the encroachment from the plot No. 202 and 428. Despite the interim order dated 07.01.2022 and the petitioners having informed the opposite parties about the interim order passed by this Court, the structure/house of the petitioners, standing on plot No. 202 and 428, have been removed on 09.01.2022 in willful violation of the order dated 07.01.2022 of this Court.

4. Mr. Sajid Salim Khan, learned SC-25, submits that the land, upon which the structure/house of the petitioners is situated, was acquired for the construction of Mithapur, R.O.B. (Rail Over Bridge) Karbigahiya link road. Compensation of a sum of Rs. 1 crore and odd amount has been paid to the petitioners. After passing the interim order dated 07.01.2022, the roster of this Court changed and the matter went before the Co-ordinate Bench of this Court where the writ petition No. 20689 of 2022 was heard at many occasion and ultimately it was disposed on 26.04.2023, where the learned senior counsel appearing for the petitioners submitted that now the grievance



of the petitioners have more or less been redressed. However, a liberty was sought from the Court at the time of disposal of the writ petition to agitate their subsisting grievance if any in accordance with law. Learned counsel next submits that subsisting grievance was with regard to claim of interest upon the compensation amount. At no point of time, during the course of argument of the aforesaid writ petition before the Co-ordinate Bench of this Court, the petitioners informed that the present contempt application has been filed alleging violation of the interim order dated 07.01.2022.

5. Learned counsel for the petitioners submits that I.A. was filed in the writ application where it has been stated that the structure/house of the petitioners on the land, in question, was removed. He further submits that this Court may either initiate contempt against the opposite parties or ask them to return the household articles.

6. After having heard learned counsel for the parties, this Court has got the impression that the remedy of contempt is being misused by the petitioners in order to twist the arms of the opposite parties. After the demolition of the structure, the petitioners have received the entire compensation and on that basis, the writ application filed by the petitioners was disposed,



accordingly, I do not find any merit in this contempt application.

7. Accordingly, the present contempt application stands dismissed.

(Anil Kumar Sinha, J)

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