

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.27 of 2021

In

Civil Writ Jurisdiction Case No.19663 of 2019

Ajit Kumar Ray Son of Late Brahmdev Ray, Resident of Village-Darba,
Police Station-Tajpur (Halai O.P.), District-Samastipur. Petitioner/s

Versus

1. Vivek Kumar Singh, I.A.S., The Additional Chief Secretary/Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar.
2. Mayank Warwade, The Divisional Commissioner, Darbhanga Division, Darbhanga.
3. Sashank Shubhankar, The District Magistrate, at Samastipur, District-Samastipur.
4. Md. Shafiq, The Sub-Divisional Officer, Patori, District-Samastipur.
5. Chandan Kumar, The Circle Officer, Patori Block, District-Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Narendra Kumar
For the Opposite Party/s : Mr. Lalit Kishore (Ag)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 25-09-2023

1. The instant contempt application has been filed by the petitioner alleging deliberate disobedience of the directions of this Court as contained in order dated 25.9.2019 passed in C.W.J.C. no. 19663 of 2019.

2. C.W.J.C no. 19663 of 2019 was filed by the petitioner alleging encroachment on the land measuring an area of about 23 bigha, 09 katha, 16 dhur appertaining to Khata no. 02, Khesra no. 3956, Jamabandi no. 612 which according to the petitioner had been gifted by a zamindar by executing a deed of gift for the purpose of a degree college but the same had been



illegally encroached upon by some unauthorized persons. It was stated that an application has been filed before the Circle Officer of Patori Block for removal of encroachment.

3. The writ application was disposed by order dated 25.9.2019 observing that the Circle Officer would hold an enquiry and if it is found that there is encroachment over the land in question, he would ensure service of notice to the persons who illegally occupied the said land and after giving notice to them including the petitioner and on hearing, would pass an order in accordance with law. If it is found that the land has been encroached upon, the same should be removed without unnecessary delay.

4. Learned counsel for the petitioner submits that he had filed an application before the Circle Officer, Patori on 6.11.2019 requesting him to remove the encroachment over the college land, however, no proceedings have been initiated by him nor any action has been taken. Hence the instant application.

5. A show cause has been filed in the instant case on behalf of the opposite parties, sworn by the Circle Officer, Patori wherein it has been stated that inspite of repeated requests, the Principal of R.N.A.R College, Samastipur has not



provided legible deed of gift of the land in question. In such circumstances the land in question could neither be identified nor the encroachers could be identified. As such no further steps could be taken in the matter.

6. Having heard learned counsel for the parties and having perused the material on record including the contents of the show cause filed on behalf of the opposite parties and no response having been filed by the petitioner to the contents of the said show cause, in the opinion of the Court, it cannot be said that there is deliberate non-compliance of the directions of this Court.

7. In the facts and circumstances of the case, no case of contempt is made out against the opposite parties.

8. The application stands disposed off.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

