

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1707 of 2022

In
Civil Writ Jurisdiction Case No.15672 of 2021

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1. Dinesh Prasad Son of Late Hari Saw, Proprietor M/s Lakshami Hardware, (Shop No.01/146,Bazar Samittee, Ramchandrapur, Biharsharif) resident of Mohalla- Ramchandrapur, P.S. Biharsharif, District-Nalanda.
 2. Dharmendra Kumar Son of Sri Vinod Kumar Proprietor M/S Saho Aaloo Bij Bhandar (Behind Shop No.1/46 Bazar Samittee,Ram,Chandrapur, Biharsharif) Resident of Mohalla-Bharabpar, P.S.-Laheri, Biharsharif, District-Nalanda.
 3. Dharmsheela Devi Wife of Late Ishwari Prasad Proprietor M/S Sri Sabaliya Seth (Godam Only) (Behind Shop No.1/46 Bazar Samittee,Ram,Chandrapur, Biharsharif) Resident of Mohalla-Chakhajiyain, Ramchandrapur, Biharsharif, District-Nalanda.
 4. Munna Singh Son of Brahmdeo Prasad Proprietor M/S B.M. Traders, (Shop No.06/46) Bazar Samittee,Ramchandrapur, Biharsharif) Resident of Mohalla-Ramchandrapur, Biharsharif, District-Nalanda.
 5. Mahesh Prasad Son of Suresh Prasad (Behind Shop No.1/46 Bazar Samittee,Ramchandrapur, Biharsharif) Resident of Mohalla-Salempur, Ward No.4, Biharsharif, P.S. Laheri, District-Nalanda.
 6. Arun Kumar Son of Late Bhagwan Das, Proprietor Tridev Hardware (Behind Shop No.1/46 Bazar Samittee,Ramchandrapur, Biharsharif) Resident of Mohalla-Ramchandrapur Bazar Samittee, Biharsharif, District-Nalanda.
 7. Ashok Kumar Son of Late Jagdish Prasad proprietor M/S Kishan Tokari Bhandar (Behind Shop No.1/46 Bazar Samittee,Ramchandrapur, Biharsharif) Resident of Saluganj, P.O. and P.S.-biharsharif, District-Nalanda.
 8. Mahendra Prasad Son of Late Ramchandra Ram (Shop No.19, Bazar Samittee,Ramchandrapur, Biharsharif) Resident of Village and Post-P.S.-Sohsarai, District-Nalanda.
 9. Vinod Kumar Singh Son of Brahmdeo Prasad Sinha Proprietor M/s Sujal Aro Agency (Shop No.61 Bazar Samittee,Ramchandrapur, Biharsharif) Resident of Sujal Agro Agency, P.S.-Laheri, Biharsharif, District-Nalanda.
 10. Chandra Bhushan Prasad Son of Late Ramlakhan Prasad (Shop No.34 Bazar Samittee,Ramchandrapur, Biharsharif) Resident of Village-and P.O.-Baruara, P.S.-Nursarai, Biharsharif, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secreary, Agriculture Department, Bihar, Patna. namely Dr. N Sarwan Kumar.
2. The Managing Director, Agriculture Marketing Board, Patna, Office at Pant Bhavan, Baily Road, Patna. namely Ravindra Nath Roy.
3. The District Magistrate, Nalanda, namely Shashank Shubhankar



4. The Sub-Divisional Magistrate-Cum-Special Officer, Kishi Bazar Samiti, Ramchandrapur, Biharsharif, Nalanda. namely Abhishek Palasiya
5. The Chairman, Agridulture Marketing Board, Ramchandrapur, Bazar Samiti, Biharsharif, Nalanda, namely Rakesh Kumar
6. The Sub-Divisional Officer, Biharsharif Cum Special Officer, Krishi Utpadan Bazar Samiti Biharsharif. namely Abhishek Palasiya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudal Singh, Adv.
For the Opposite Party/s : Mr. Anant Prasad Singh, SC-15

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

6 08-11-2023 The present M.J.C is filed for non-compliance of the
order dated 24.01.2022, passed in C.W.J.C No. 15672 of 2021.

The direction of this Court is as under:-

“In view of guidelines issued by the Secretary, Agriculture Department, as contained in Annexure A of Supplementary affidavit, the interest of petitioners stands protected and it is expected that the SDO, Biharsharif shall act as per guidelines issued by the Agriculture Department and shall make alternative arrangements for the valid allottees before removing them from their land / shop / godown.”

2. The petitioners have presented this M.J.C Contempt Application for non-compliance of the aforementioned directions.

3. Learned counsel for the respondents submitted that in the light of show cause filed on behalf of the opposite party



nos. 3-6 along with the documents it is evident that enquiry was conducted in order to ascertain whether respective petitioners were having a valid allotment of land/building. In the enquiry it was found that none of the petitioners were having the valid allotment. Pursuant to the enquiry report, formal communications have been made to the extent that petitioners are not having valid allotment *vide* order dated 23.08.2022 (Annexure G & H).

4. In the light of these facts and circumstances, the present MJC contempt application stands dropped reserving liberty to the petitioner to assail the order dated 23.08.2022 or any other decision of the concerned respondents and in accordance with law.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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