

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2959 of 2019

In
Civil Writ Jurisdiction Case No.9014 of 2018

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Rita Tiwari Wife of Gauri Thakur Resident of Vill/Mohalla- Sahjadpur (Andar Quita) North of the Power - House, P.O. and P.S.- Hajipur Town, District- Vaishali.

... .. Petitioner.

Versus

1. The State of Bihar.
2. Mr. Rajiv Raushan, Son of not known, at present the District Magistrate, Vaishali at Hajipur.
3. Mr. Harshwardhan, Son of not known, at present the Executive Officer, Nagar Parishad, Hajipur at Hajipur.
4. Mr. K.K. Singh, Son of Not known, at present the Circle Officer, Hajipur at Hajipur, District- Vaishali.

... .. Opposite Parties.

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Appearance :

For the Petitioner	:	Mr. Rakesh Kumar Soni, Advocate.
For the State	:	Mr. Yogendra Prasad Sinha (AAG-7).
		Mr. Shankar Kumar, AC to AAG-7.
For NBPDCI	:	Mr. Vinay Kirti Singh, Senior Advocate.
		Mr. Akhileshwar Singh, Advocate.

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

ORAL ORDER

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

4 22-11-2023 The present M.J.C. petition is filed for non-compliance of the order of this Court dated 18.05.2018 passed in C.W.J.C. No.9014 of 2018.

2. Short question for consideration is whether the Bihar State Power Holding Company has encroached the public land in constructing the wall or not? In this regard, the Coordinate Bench of this Court directed the second respondent/



the District Magistrate, Vaishali to examine and take a decision. Such action has been taken on 17.11.2023. In other words, the District Magistrate, Vaishali has slept over the matter for about five years in deciding the trivial issue of whether the wall constructed by the Bihar Power Distribution Company Limited on the public land or not?

3. In view of our previous order, on 17.11.2023, a detailed order has been passed by the District Magistrate, Vaishali, while contending that Bihar Power Distribution Company Limited has not encroached any public land. The subject matter of wall construction was constructed on the premises of Bihar Power Distribution Company Limited.

4. Accordingly, the present M.J.C./Contempt petition stands dropped reserving liberty to the petitioner to question the validity of the decision of the District Magistrate, Vaishali, dated 17.11.2023, in accordance with law.

5. Having regard to the fact that contempt petition was filed in the year 2019 and orders of this Court is dated 18.05.2018 read with the fact that orders have been complied on 17.11.2023, therefore, the office of the District Magistrate, Vaishali, is hereby directed to pay cost of Rs.10,000/- to the petitioner within a period of eight weeks from the date of receipt



of this order.

6. Accordingly, the present M.J.C./Contempt petition stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

P.S./-

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