

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3097 of 2019

In
Civil Writ Jurisdiction Case No.2925 of 2017

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Virendra Thakur S/o Late Bhagwan Thakur R/o village - Pipra, P.S. Daraunda,
District - Siwan (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. Deepak Kumar, Chief Secretary, Govt. of Bihar, Patna
2. Smt. Kumari Ranjana the Collector-cum-District Magistrate, Siwan
3. Mr. Ashok Kumar Chaudhary the Deputy Development Commissioner, Siwan
4. Mr. Paras Nath Rai the Circle Officer, Daraunda Prakhand, Distt.- Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Md. Khurshid Alam, AAG-12

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

5 22-06-2023

The present MJC is filed for non-compliance of the
order dated 28.07.2017 passed in CWJC No. 2925 of 2017.
Order of this Court reads as under:-

*“From the counter affidavit filed by the respondents
it is seen that the encroachment as alleged in the writ
petition seems to be in existence in the area in
question. That being so, we direct the District
Magistrate and the Circle Officer concerned, namely
Respondent Nos. 2 and 4, to register proceedings under
the Bihar Public Land Encroachment Act, notice to the
persons concerned and after following due process of*



law remove the encroachment within a period of six months from the date of receipt of a certified copy of the order.

With the aforesaid, the matter stands disposed of.”

2. The concerned official respondent has initiated encroachment proceedings bearing no. 01 of 2017-18 and it is pending consideration even to this date. In the meanwhile, between 13.06.2023 to 16.06.2023, certain encroachments were stated to have been removed. Further, in respect of the other encroachment issues are concerned, certain land records were required to be taken note of with reference to *Jamabandi* and its cancellation etc. Such proceeding is yet to be completed. Therefore, *prima facie*, respondents have committed contempt of Court in not complying the orders of this Court dated 28.07.2017.

3. Further, if the official respondents have any administrative difficulty in execution and compliance of this Court order dated 28.07.2017, concerned respondent had every right to make an interlocutory application before lapse of six months in CWJC No. 2925 of 2017 to extend the time limits stipulated.

4. Such proceedings have not been undertaken by the official respondents. On the other hand, they have slept over the



matter for the last six years. Further on 15.05.2023 the following order was passed:-

“Issue a bailable warrant for a sum of Rs. 25,000/- (Rupees Twenty Five Thousand Only) each to Respondent Nos. 2 and 4 for non-compliance of the order dated 28.07.2017 read with order dated 04.02.2020 passed in the present MJC No. 3097 of 2019. Order dated 04.02.2020, reads as under:-

“As prayed for on behalf of the respondents, time to comply with the order is extended by eight weeks.

Let an additional affidavit for compliance be filed within two weeks thereafter.

List this case on 11.05.2020.”

Relist this matter on 22.06.2023.”

5. Thereafter, the concerned official respondent opened his eyes in removing certain encroachments during the intervening period from 13.06.2023 to 16.06.2023.

6. In stead of framing of charges in the contempt proceedings, we proposed to impose cost of Rs. 50,000/-, it is quantified in view of delay in implementation of the Court's order for about six years. The cost shall be remitted in the Prime Minister's Relief Fund within a period of 2 months. The same shall be reported in the Registry of this Court. For compliance of remaining portion of the order, further four months' time is



granted.

7. Accordingly, the present MJC stands dropped.

8. In the event of non-compliance of remaining portion of the order within time limit stipulated supra, liberty is reserved to the petitioner to file interlocutory application to revive this order.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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