

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2951 of 2018
In
Miscellaneous Appeal No.96 of 2001

Arbind Kumar Yadav Son of Sri Maheshwari Prasad Yadav, Resident of Village- Tintanga Karari, P.S.- Gopalpur, District- Bhagalpur. at present resident of Vasaitha Tola Pulkia, P.S.- Chousa, District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Sri Navdeep Shukla, The Collector, Madhepura
2. The Circle Officer, Chousa, P.S.- Chousa, District- Madhepura.
3. Prabhas Chandra Yadav, Son of Sri Maheshwari Prasad Yadav, Resident of Village- Tintanga Karari, P.S.- Gopalpur, District- Bhagalpur. at present resident of Vasaitha Tola Pulkia, P.S.- Chousa, District- Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lala Sachindra Kumar, Advocate

For the Opposite Party/s : Mr. Majid Mahboob Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 08-09-2023

Heard the parties.

2. The petitioner by pressing the present application seeks initiation of a proceeding under order 39 Rule – 2A against the Respondent Nos. 1 and 2 for the willful violation of the status quo order, passed by this Hon’ble Court in M.A. No. 96 of 2001 vide order dated 05.07.2001.

3. It is submitted on behalf of the petitioner that against the order of refusal of injunction, the petitioner had preferred M.A. No. 96 of 2001 and this Court having heard the parties has been pleased to dispose of the miscellaneous appeal with a direction that, “the T.A. No. 11 of 1998 shall be heard by the Additional District Judge, Madhepura and the same be disposed of within a period of four months from the date of



receipt of a copy of the order positively and till then status quo in respect of the Suit property shall be maintained by both the parties.”

4. Learned counsel for the petitioner vehemently submitted that despite the specific direction of this Court, the Title Appeal was finally disposed of on 22.09.2017, but surprisingly, in the meantime, the respondent State has settled the Suit land and issued settlement Parchas to 57 persons in complete violation of the status quo order. He further drew the attention of this Court to the show-cause filed on behalf of the opposite party nos. 1 and 2 and with reference thereto, he submits that the Circle Officer, Chausa issued the Bandobasti Parchas among the 57 persons just after six months from the date of the order dated 05.07.2001 and, as such, there is wilful and deliberate violation of the order of this Hon'ble Court. He next submits that the order of the status quo, as has been passed by this Court on 05.07.2001, was enforced till the disposal of T.A. No. 1 of 1998, hence any Bandobasti Parchas issued by the Circle Officer, Chausa, in the meantime, is in complete defiance of the order of this Court and, as such, the opposite parties are liable to be prosecuted for contempt.

5. On the other hand, learned counsel for the State



submits that from perusal of the order of this Court, it appears that the direction was given to the Additional District Judge, Madhepura to dispose of the title appeal within a stipulated period, i.e. four months, and only till then, there was status quo with respect to the suit property and, hence any subsequent settlement would not be termed in violation of this Court.

6. Having heard the parties, this Court, *prima facie*, found that the order under contempt, whereby direction has been given, was for the stipulated period and with respect to that period only, the status quo was effective in respect to the suit property and, as such, this Court does not find any reason to initiate a contempt proceeding against the concerned opposite parties.

7. Thus, the present contempt petition stands disposed of. However, it is needless to observe that the petitioner has other alternative remedies available under the law before the competent Civil Court for redressal of his other grievances.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
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