

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2609 of 2018

In
Civil Writ Jurisdiction Case No.13338 of 2017

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Shailendra Kumar S/o Late Ram Jatan Prasad, R/o Village- Kariyawan, P.S.-
Tharthari, Dist- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Rural Works Department, Govt. of Bihar, Patna at present Mr. Arvind Kumar
3. The District Magistrate, Nalanda at Biharsharif. At present Mr. Thiagarajan S.M.
4. The Superintendent of Police, Nalanda at Biharsharif. At present Mr. Kumar Ashish.
5. The Sub-Divisional Officer, Nalanda. At present Mr. Ajeet Kumar Singh.
6. The Circle Officer, Tharthari, Nalanda. At present Mr. Ram Prem Oraon.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar, Advocate
For the Opposite Party/s : Mr.Pushkar Narain Shahi - Aag 6

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

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

7 18-08-2023 The present MJC is filed for non-compliance of the

order dated 27.11.2017 passed in CWJC No. 13338 of 2017 read

with the petitioner's representation dated 08.12.2017.

2. Grievance of the petitioner was for removal of
illegal encroachment in respect of two plots, namely, Plot Nos.
836 & 701. The official respondents have taken action in
initiating encroachment proceedings in respect of plot no. 836



and concluded it. However, in respect of plot no. 701, they have not taken any action for the last last five years. For the first time, after ordering personal appearance of the concerned respondent, they have initiated encroachment proceedings in the year 2023. Therefore, *prima facie*, the respondents have committed contempt of Court.

3. At this stage, it is necessary to re-produce our earlier order dated 10.07.2023, which reads as under:-

“Pursuant to earlier order dated 24.06.2023, Mr. Shashank Shubhankar, District Magistrate, Nalanda, Bihar is present in the Court.

2. Mr. Shashank Shubhankar, District Magistrate, Nalanda, on instruction, submitted that his predecessor is stated to have closed the file without compliance of this Court's order. Therefore, he is hereby directed to furnish his name, address and place of working so as to issue notice for his personal appearance and such details shall be furnished within two days.

3. Re-list this matter on 31.07.2023”

It is evident that the concerned respondent have committed contempt.

4. Having regard to the compliance of the order dated 27.11.2017 passed in CWJC No. 13338 of 2017 read with the



petitioner's representation dated 08.12.2017 we think it fit to impose cost of Rs. 25,000/- (Rupees Twenty Five Thousand Only). Cost shall be paid to the petitioner within a period of three months from the date of receipt of this order.

5. With the above observation, the present contempt petition stands dropped.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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