

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2405 of 2018

In
Civil Writ Jurisdiction Case No.14154 of 2017

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Rakesh Ranjan son of Sri Haribansh Singh, Resident of Village- Rabaich, Police Station- Bakhtiarpur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Shri Brijesh Malhotra son of not known to the petitioner The Principal Secretary, Department of Revenue and Land Reforms, New Secretariat, Patna.
3. Sri Kumar Ravi son of not known to the petitioner The Collector, Patna.
4. Md. Bazuddin Ansari son of not known to the petitioner The Deputy Collector, Barh, Patna.
5. Shri Sajjan R. son of not known to the petitioner The Sub-Divisional Officer, Barh, Patna.
6. Shri Ashok Kumar Singh son of not known to the petitioner The Circle Officer, Bakhtiarpur.
7. Shri Akram Khan son of not known to the petitioner The Officer-in-charge, Bakhtiarpur Police Station.
8. Shri Randhir Singh son of Late Ramanand Singh Resident of Village- Rabaich, P.S.- Bakhtiarpur, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Kumar, Sr. Advocate Mr. Lal Babu Singh, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Bhagat, AC to AAG-12
For the Opposite Party No. 8:	:	Mr. Bibhakar Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

9 11-01-2023 The petitioner has alleged disobedience of this Court's order dated 02.04.2018 passed on CWJC No. 14154 of 2017, relevant portion of which reads as under:-

“Considering the rival submissions of the parties, there is no doubt that the proceeding under Bihar Public Land



Encroachment Act, 1956 (hereinafter referred to as the 'Act') can be initiated if there is encroachment on a public land. This Court under the present proceeding cannot decide the title. Hence, this Court is not inclined to issue notice to respondent no. 8. However, it is expected from the Circle Officer, Bakhtiyarpur, respondent no. 6 to get the land measured done as directed by the Sub-divisional Public Grievance Redressal Authority vide order dated 15.04.2017 of the land in question and if it appears to him that encroachment has been made on a public land then he will initiate a proceeding under the Act and take the same to its logical conclusion within a period of three months from the date of receipt/production of a copy of this order after giving due opportunity to all affected persons including respondent no. 8, but in case the encroachment has been made on the raiyati land of the petitioner then the petitioner will be at liberty to submit an application before the Sub-divisional Officer, Barh, respondent no. 7, giving details the land in question and whereupon, the



respondent nos. 5 and 7 will dispose of the said application with a reasoned order.

Accordingly, this writ application is disposed of.”

A show cause reply has been filed on behalf of the opposite party Nos. 3 to 6 bringing on record an order dated 22.02.2019 passed by the Sub-divisional Officer, Barh.

It is to be noted that in compliance of this Court's order dated 02.04.2018, a measurement was done by the Circle Officer of the area. The petitioner's land, as per the said measurement, has been found to be raiyati. Taking into account the fact that there is dispute between the petitioner and opposite party No. 8, the Sub-divisional Officer has passed an order dated 22.01.2019, in compliance of this Court's order dated 02.04.2017 passed in CWJC No. 14154 of 2017. In my opinion, thus, no case is made out for initiation of contempt proceeding in view of the order having been already passed by the Sub-divisional Officer, in compliance of this Court's order.

It is made clear that the Court has not gone into the correctness of the order which has been passed by the Sub-divisional Officer nor I have gone into the merits of the claims contesting parties. The party shall be at liberty to take



appropriate stand before appropriate forum in accordance with
law.

This contempt proceeding stands dismissed.

(Chakradhari Sharan Singh, J)

anand/-

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