

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.162 of 2024
In
Civil Writ Jurisdiction Case No.12518 of 2023

1. Pandit Anand Jha Shastri S/o Late Jai Narayan Jha, R/o Bans Kothi, D. N. Das Lane, Bangali Akhada, Langartoli, Arya Kumar Road, P.O.- Bankipur, P.S.- Kadamkuan, District- Patna- 800004.
2. Mukesh Kumar Jha, S/o Pandit Anand Jha Shastri, R/o D. N. Das Lane, Langartoli, P.O.- Bankipur, P.S.- Kadamkuan, District- Patna - 800004.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary to the Government of India, Ministry of Law and Justice, New Delhi, Dr. Niten Chandra.
2. Shri Anurag Jain, The Secretary to Secretary to the Government of India, Ministry of Road Transport and Highways, New Delhi.
3. The State of Bihar, through its Chief Secretary Shri Amir Subhani.
4. Shri Amir Subhani, The Chief Secretary to the Government of Bihar, Patna.
5. Shri Brijesh Mehrotra, The Additional Chief Secretary to the Government of Bihar, Department of Revenue and Land Reforms, Patna.
6. Shri Pratyaya Amrit, The Principal Secretary/ Additional Chief Secretary to the Government of Bihar Road Construction Department, Patna.
7. Shri Yashpal Meena, The District Magistrate / Collector, Vaishali, Hajipur, District - Vaishali.
8. Shri Ravi Ranjan Kumar, The Superintendent of Police, Vaishali, Hajipur, District - Vaishali.
9. Shri Arun Kumar, The Sub Divisional Magistrate, Hajipur, District - Vaishali.
10. Ms. Shushmita Anand, The Circle Officer, Hajipur, District - Vaishali.
11. Shri Pankaj Singh, The S.H.O., Ganga Bridge P.S., Hajipur, District - Vaishali.
12. Deepak Singla, Director/ Managing Director, S.P. Singla Constructions Pvt. Ltd., and its Site Engineer Jitu Prasad @ Jitu Singh, with its office at Kanak Braj Complex, Boring Road, Nageshwar Colony, Pandooi Kothi, Patna, District - Patna.

... .. Opposite Party/s

Appearance :



For the Petitioner/s : Mr.Krishna Ballabha Sharma
For the Opposite Party/s : Mr.Additional Solicitor General

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 03-05-2024 Heard learned counsel for the petitioner and counsel
for the Opposite Party.

2. This contempt petition has been filed for
disobedience and non-compliance of the order dated 19.09.2023
passed by a this Court in C.W.J.C. No. 12518 of 2023.

3. Counsel for the petitioner submits that operative
part is as follows:

8. In this view of the matter, the petitioners are granted liberty to appear before respondent No.10, namely, the Circle Officer, Hajipur, Vaishali by way of representation along with a copy of this order whereupon Respondent No.10, namely, the Circle Officer, Hajipur, Vaishali is directed to fix a date for hearing the petitioners and other similarly situated persons within 15 days on production of a copy of this order. The petitioners undertake that they shall appear before the Circle Officer on the date fixed.

9. Till passing any final order on the representation filed by the petitioners, respondent No.10, namely, the Circle Officer, Hajipur, Vaishali, and respondent No.12, namely, S. P. Singhla Constructions Pvt. Ltd through its Managing Director are directed not to take any coercive action against the petitioners and other persons whose names are mentioned in Annexure-P/3 to the supplementary affidavit.



10. Needless to add the entire exercise be completed within one month at the level of the Circle Officer from the date of production of a copy of this order.

11. With this direction, the present petition stands disposed of.

4. Counsel for the petitioner submits that he has filed representation vide Annexure P/2 on 26.09.2023 but nothing happened and a notice has been stucked on his house for demolition of his house.

5. Counsel for the State has filed the show-cause on behalf of Respondent No. 7, 9 and 10 and categorically submits that no contempt has been caused by the Officials due to the reason that as soon as the Officials has received the representation, they have issue a notice to both the petitioners vide Memo No. 1971 dated 10.10.2023 which is Annexure-A. Subsequently, vide Annexure-B another notice was issued to the petitioners intimating that measurement has to take place and petitioners were requested to be present on the spot. Counsel for State further submits that vide Annexure-D, Memo no. 2337 dated 08.12.2023 another notice was given to him. Counsel further submits that in compliance of the said notice, the petitioners were present and in their presence measurement of the land has taken place and it transpires that the petitioners



house was not situated in Saifpur Diara, Thana No. 195, Khata No. 93, Survey Plot No. 262 and Area 9.50 Decimal rather petitioners house was situated on the land situated in Village Chakjalal, Revenue Thana No. 192, Plot No. 333 over area of $42*64 \text{ ft} = 2688 \text{ Sq.ft}$ which was subject to encroachment and rest portion is out of acquisition. In this regard, specific order has been passed by the Circle Officer on 22.01.2024 and in this regard, order was communicated to the petitioners vide Memo No. 293 dated 22.01.2024. Learned counsel for the State also submits that for the said encroachment, Encroachment Case No. 08 of 2023-24 has been initiated by the State of Bihar relating to Plot situated in Mauza- Chakjalal, Revenue Thana No. 192, Plot No. 333 over area of 2688 Sq.ft on which house and temple has been built and it was declared encroached by the petitioners. Therefore, it was directed to the petitioner to remove the encroachment on the public land. It has been intimated by the State that when the notice was sent through process server at the house of the petitioner then after reading of the said notice, he refused to accept the same. Thereafter, the notice has sent through registered post. Learned counsel for the State further submits that notices under Section 3 and under Section 6 of the Bihar Public Land Encroachment Act, 1956 in Encroachment



Case No. 08 of 2023-24 upon the petitioner, but instead of taking proper recourse, he has opted to file the present contempt petition before this Court alleging that the authorities are deliberately disobeying the Court's order dated 19.09.2023 passed in C.W.J.C. No. 12518 of 2023.

6. After hearing the parties and perusal of the documents, it transpires to this Court that in the said writ petition i.e C.W.J.C. No. 12518 of 2023, direction was made to the Circle Officer to pass order on his representation and the said order has been passed by the Circle Officer which is annexed as Annexure-F to the show-cause vide Memo no. 293 dated 22.01.2024. It also transpires to this Court vide Annexure-E that measurement of the lands of the petitioner has taken place in his presence. Hence, this Court is of the firm view that the action taken by the opposite party is not contempt, therefore, this contempt proceeding has been dismissed.

7. So far as the petitioners' protection for the land on which encroachment order has been passed, he shall be at liberty to challenge the said order passed under Bihar Public Land Encroachment Act before the appropriate authority within the time framed.

8. Accordingly, this contempt petition is hereby



dismissed.

(Dr. Anshuman, J)

Sunnykr/-

U			
---	--	--	--

