

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.507 of 2024

In

Civil Writ Jurisdiction Case No.12474 of 2023

-
-
1. Akhilesh Kumar Ray, S/o Jitendra Ray, R/o Village Rajapur, District- Muzaffarpur, P.S.- Sakra, Bihar.
 2. Abu Fazal, S/o Abdul Hafeez, R/o Zakaria Colony, Sadpura, P.S.- Sakra, District- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

1. K Senthil Kumar, I.A.S. Principal Secretary State of Bihar.
2. Brijesh Mehrotra, I.A.S. Additional Chief Secretary, Principal Secretary, Revenue and Land Reforms Department, Government of Bihar.
3. Mihir Kumar Singh, I.A.S Additional Chief Secretary, The Secretary, Panchayati Raj Department, Government of Bihar, Patna.
4. Pranav Kumar I.A.S., The District Magistrate, Muzaffarpur, Bihar.
5. Sanjay Kumar Mahto, The Circle Officer, Sakra, District- Muzaffarpur.
6. Akhilesh Kumar Jain, The Superintendent, Bihar State Board of Religious Trusts, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rohit Kumar Tripathi, Advocate Mr. Aakash Choudhary, Advocate
For the Opposite Party/s	:	Mr. Navneet Kumar, AC to GP- 18
For the Board	:	Mr. Shekhar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

5 02-08-2024 Heard Mr. Rohit Kumar Tripathi, learned Advocate for the petitioners, Mr. Navneet Kumar, learned Advocate for the State and learned Advocate for the Religious Trusts Board is also present.

2. The petitioners seek initiation of contempt



proceeding against the concerned opposite parties/respondents for their willful and deliberate disobedience of order dated 26.09.2023, passed by this Court in C.W.J.C. No. 12474 of 2023.

3. Learned Advocate for the petitioners vigorously argued that despite specific direction of this Court, especially in paragraph nos. 6, 7 and 8 of the order under contempt that the authority will inquire the allegation and take appropriate action and after giving notice to all the stakeholders, the complaint filed by the petitioners must bring to its logical conclusion, but the same has not been done.

4. A show-cause affidavit has been filed on behalf of Opposite Party Nos. 4 and 5.

5. It is categorically averred that pursuant to the order of this Court, the District Magistrate vide Letter No. 953 dated 01.04.20224 constituted four members committee comprising of Additional Collector, Muzaffarpur, S.D.M. (East) Muzaffarpur, D.C.L.R. (East) Muzaffarpur and Circle Officer, Sakra to look into the matter and submit a report.

6. Notices were issued to all the stakeholders and spot enquiry was made by the members of the committee in presence of public representative and villagers with respect to the lands



appertaining to Khata No. 256, Chak/Plot Nos. 711, 712, 649, 650, 652.

7. Finally, the entire aspect was examined at the level of the District Magistrate, Muzaffarpur as well as the four members committee as noted hereinbefore and they came to the conclusion that there is no encroachment of any kind on Brahmsthan and Graveyard and, as such, no necessity to initiate encroachment proceeding and accordingly disposed of the complaint of the petitioners vide order dated 06.04.2024; with a direction to office to supply the copy of the same to all the concerned. The copy of the proceeding and the report have been brought on record as annexures to the show-cause.

8. A rejoinder has been filed on behalf of the petitioners refuting the contention of the officials respondents.

9. Having heard the submissions advanced on behalf of the respective parties and after perusal of materials available on record, this Court finds that the order of this Court has been substantially complied. However, if the petitioners have still any grievance or not satisfied with the order passed by the District Magistrate, Muzaffarpur and the report submitted by the four men committee, they have liberty to assail the same in an appropriate proceeding.



10. The contempt proceeding stands disposed of.

(Harish Kumar, J)

uday/-

U			
---	--	--	--

