

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1279 of 2024

In
CIVIL MISCELLANEOUS JURISDICTION No.536 of 2023

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1. Lal Babu Prasad, son of Late Baij Nath Prasad, resident of Village- Badi Masjid chauk bazar, P.S.- Siwan Town, District- Siwan
 2. Rajendra Prasad, son of late Baijnath Prasad proprietor M/S Roop Shree General Store, near Bari Masjid, Siwan, r/o Muhalla Chaka Bazar PO Siwan, PS Siwan town, anchal Siwan, District- Siwan

... .. Petitioner/s

Versus

1. Sri Mukul Kumar Gupta, The State of Bihar through Collector, Siwan, District- Siwan
2. Shri Sarvanan, The Commissioner, Saran Division Chapra, Post Office Chapra, Police Station Chapra, District- Chapra
3. Shri Mukul Kumar Gupta, The Collector Siwan, Post Office- Siwan, Police Station- Siwan Town, District- Siwan
4. Shri Amitesh Kumar, The Superintendent of Police Siwan, Resident Office - Siwan, Post Office- Siwan, Police Station- Siwan Town, District- Siwan
5. Shri Sahbaz Khan, The Deputy Collector Land Reforms (DCLR) Siwan, Post Office- Siwan, Police Station- Siwan Town, District- Siwan
6. Shri Divya Prakash, The Anchaladikari, Husainganj, Post Office- Husainganj, Police Station- Husainganj, District- Siwan
7. Shri Dharmendra Kumar Sarai (O.P.), Police Station- Sarai, Post Office- Siwan, Police Station O.P. Sarai, District- Siwan
8. Md. Sahil Eqbal s/o Md Nasim r/o Muhalla Skeikh Muhalla, PO Siwan, PS Siwan town, district Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chandra Kant, Advocate Mr. Navin Kumar, Advocate Mr. Sudhanshu Prakash, Advocate
For the Opposite Party/s :		Mr. U.S.S. Singh, GP-19

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

9 21-10-2024 Heard learned counsel for the parties. Supplementary
reply to show cause has been filed which is taken on record

2. The instant MJC petition has been filed for



initiation of contempt proceeding against the opposite parties for violation of the order dated 29.02.2024 passed in Civil Misc. No. 536 of 2023 by this Court.

3. The main grievance of the petitioners is that the parties were directed to maintain the *status quo* with regard to the suit property of Title Suit No. 687 of 2011 by the orders of the appellate court in Misc. Appeal No. 16 of 2022 and the said order was affirmed vide order dated 29.02.2024 passed in Civil Misc. No. 536 of 2023 by this Court. But the opposite parties violated the order of this Court and started construction work on the suit land.

4. Learned counsel appearing on behalf of opposite parties submits that the plaintiff has not given any specific boundary of the suit land and only stated that it is towards East and North and the area of land is 5 *Katha* 10 *Dhur* 8 *Dhurki* of Survey Plot No. 175 and 19 *Dhur* 12 *Dhurki* of Survey Plot No. 176 and 2 *Katha* 14 *Dhur* of Survey Plot No. 177. But the opposite parties have no concern with Survey Plot No. 177. Learned counsel further submits that so far as Survey Plot Nos. 175 and 176 are concerned, the construction work has been started on 2 *Katha* 8 *Dhur* of land of Survey Plot No. 175 and on 14 *Dhur* of land of Survey Plot No. 176. Thus, the



construction work is going on 3 *Katha* 2 *Dhur* of land of suit plots and rest of the land is lying vacant. The position of the construction and the vacant plots have been made clear by the map and the report furnished by the local Amin which has been annexed as Annexure-OP/1 (collectively). Learned counsel further submits that there is no violation of any specific orders passed by this Court or the orders of *status quo* passed by the learned District Judge, Siwan in injunction matter. Learned counsel also reiterates that till disposal of the suit, no further construction work will be made on 6 *Katha* 10 *Dhur* of land of Plot Nos. 175 and 176. As there is no violation of any orders of this Court, the contempt petition may be dropped.

5. Learned counsel for the petitioners submits that the opposite parties started construction over the suit property in violation of the orders of this Court. The opposite parties filed their show cause wherein it has been contended that there has been no violation of the orders of this Court. The total area of the suit land is as follows:-

Khata No.	Survey Plot No.	Area
383	175	5 <i>Katha</i> 10 <i>Dhur</i> 8 <i>Dhurki</i>
383	176	19 <i>Dhur</i> 12 <i>Dhurki</i>
Total		6 <i>Katha</i> 10 <i>Dhur</i>



The learned counsel next submits that there is no egress from construction site to the main road except the land of the petitioners and there is likelihood that the opposite parties may make construction upon the suit land of the petitioners violating the *status quo* order. Learned counsel for the petitioners further submits that no statement is made in the show cause supported with affidavit that no further construction would be made on the suit land. However, in the light of the statement made by the learned counsel for the opposite parties, he would have no objection for dropping the contempt if opposite parties undertake not to make any construction on the suit property of Title Suit No. 687 of 2011.

6. In the light of aforesaid facts and circumstances, show cause filed by the opposite parties and further in the light of unequivocal statement of the learned counsel for the opposite parties/State respondents duly accepted by the learned counsel for the petitioners that no construction is being made on the suit property of Title Suit No. 687 of 2011 on which order of *status quo* was passed by the learned District Judge, Siwan, this contempt petition stands dropped.

(Arun Kumar Jha, J)

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