

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.1331 of 2021**

**In**  
**Civil Writ Jurisdiction Case No.11254 of 2018**

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Krishna Murari Singh Son of Late Ishwari Singh, resident of Village - Chandinovan, P.O. and P.S.- Kashichak, District - Nawada at present residing at Garbhuchak, Jagdeopath, P.O. B.V. College, P.S. Hawaii Adda, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Sri Arun Kumar Singh, the Chief Secretary Govt. of Bihar, Old Secretariat, Patna.
2. Sri Yashpal Meena, District Magistrate, Nawada.
3. Sri Umesh Kumar Bharti, Sub Divisional Officer, Sadar, Nawada.
4. Sri Sanjay Kumar, Circle Officer, Kashichak, Nawada.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ram Hriday Prasad, Advocate  
For the Opposite Party/s : Mr. Kunal Tiwary, AC to GA 2

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY**  
**ORAL ORDER**

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

5      22-07-2024                      *Krishna Murari Singh* – petitioner has filed CWJC No. 11254 of 2018 and it is a Public Interest Litigation. It was disposed on 06.01.2020 directing the concerned respondent to consider the petitioner's representation and proceed to remove illegal encroachment. The respondents have not timely considered the petitioner's representation and his grievance, resultantly, present contempt petition *i.e.* MJC No. 1331 of 2021 has been filed. During pendency of the present contempt petition, based on the records, we have passed the following



order on 24.06.2024 :

*“The present M.J.C. No. 1331 of 2021 is filed for non compliance of order dated 06.01.2020 passed in C.W.J.C. No. 11254 of 2018.*

*2. Limited direction was to consider petitioner’s representation. The petitioner is stated to have submitted representation on 28.01.2020 in pointing out certain illegal encroachment. The same has been acted upon by the official respondent and they have taken four years to remove encroachment after due procedure and other things.*

*3. There is no application for extension of time on behalf of the respondents and they have slept over the matter even during the pendency of the present M.J.C. That apart, respondents have taken almost more than four years to remove illegal encroachment. Resultantly, they have committed contempt.*

*4. Be that as it may, having regard to the fact that they have removed illegal encroachment on this day. At the best, petitioner is entitled to litigation cost and it is quantified at Rs. 5,000/-. Cost shall be paid to the petitioner within a period of eight weeks from the date of receipt of this Order.*

*5. At this stage, learned counsel for the respondent submitted that petitioner himself is one of the illegal encroacher. To that effect, there is finding in proceedings drawn by the competent officials. To that effect, copy of the order or proceedings shall be placed on record so as to dismiss the present lis with the*



*exemplary cost.*

*6. Re-list this matter on 22.07.2024.”*

2. Today, learned counsel for the respondents/opposite parties have filed show cause on behalf of the opposite party Nos. 2 and 3. Reading of Annexure – H, it is evident that petitioner - *Krishna Murari Singh* is one of the illegal encroacher and his name is reflected at Serial No. 20. Thereafter, certain proceedings have been drawn by the competent authority like the Circle Officer to remove the illegal encroachment.

3. Taking note of the above facts and circumstances, petitioner – *Krishna Murari Singh* has abused the process of this Court with an ulterior motive of removal of encroachment of others, despite the fact that he himself is one of the illegal encroacher. The aforementioned issue was not adjudicated while deciding CWJC No. 11254 of 2018, be that as it may, for the reasons that it was only a direction to the concerned respondent to consider representation. The petitioner has not approached this Court with clean hands for the reasons that it was his own interest is involved. On the other hand, while filing CWJC No. 11254 of 2018, it has been indicated as if it was a Public Interest Litigation.

4. Having regard to the conduct of the petitioner –



*Krishna Murari Singh* in both the proceedings, he is liable to pay litigation cost in adjudicating two proceedings. He has wasted the respondents'/opposite parties time and administrative work, similarly, of this Court, therefore, cost has been quantified at Rs. 50,000/- (Rupees Fifty Thousand). Cost shall be paid to the State exchequer in the concerned treasury / Office of the district Patna within a period of eight weeks from the date of receipt of copy of this order, failing which the official respondents are hereby directed to take necessary steps to recover the fine amount as revenue arrears by appropriate proceedings.

5. Accordingly, the present contempt petition stands dismissed.

6. At this stage, learned counsel for the State submitted that pursuant to our previous order he has brought a cheque for a sum of Rs. 5,000/- (Rupees Five Thousand) to be paid to the petitioner. Such observation in the order dated 24.06.2024 stands recalled.

**(P. B. Bajanthri, J)**

**(G. Anupama Chakravarthy, J)**

GAURAV S./-

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