

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.1111 of 2022**

**In**  
**Civil Writ Jurisdiction Case No.6431 of 2022**

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1. Sujata Kumari Wife of Sri Satyendra Kumar, resident of Shiv Nagar Khemnichak, P.S. Ram Krishna Nagar, Town and District - Patna.
  2. Satyendra Kumar, Son of Late Chandra Sekhar Prasad Yadav, resident of Shiv Nagar Khemnichak, P.S. Ram Krishna Nagar, Town and District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar. Bihar.
2. Sri Anand Kishore, the Principal Secretary, Urban Development Department, Patna.
3. Dr. Chandra Sekhar Singh, the District Magistrate Patna.
4. Sri. Manavjit Singh Dhillon, the Senior Superintendent of Police, Patna.
5. Sri Navin Kumar, the Sub-Divisional Magistrate, Patna Sadar, Patna.
6. Sri Nand Kishore Prasad Nirala, the Circle Officer, Sampatchak, Patna.
7. Sri Jahagir Alam Khan, the Station Head Officer Ram Krishana Nagar Police Station, Patna.
8. Smt. Mala Sinha Wife of Sitesh Raman, age about not known, ward Counsellor, Ward No. 44 resident of Mohalla - Hanuman Nagar, P.S. - Patrakar Nagar, District- Patna.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Abhinay Raj

For the Opposite Party/s : Mr.Yogendra Prasad Sinha (Aag 7)

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**

**and**

**HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**

**ORAL ORDER**

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

6      08-08-2024                      The present MJC No. 1111 of 2022    contempt  
  
petition has been filed for non-compliance of the order  
  
dated 19.05.2022 passed in CWJC No.6431 of 2022. It is a  
  
very short order, therefore, it is necessary to reproduce the



same and it reads as under:

*Learned senior counsel appearing on behalf of the petitioners has submitted that the nuisance caused by respondent No. 8 has caused obstruction in the ingress and egress of the petitioners by constructing a water tank in front of the petitioners' house. It is stated that an application under Section 133 of the Cr.P.C has been filed before the Sub-Divisional Officer, Patna Sadar which is pending. However, no appropriate action has been taken on the petitioners' application.*

*Considering the facts and circumstances of the case, we dispose of present writ application in the light of division bench decision in case of Sanjay Jha Vs. the State of Bihar Ors. reported in 2016(1) PLJR 248. The petitioners shall be at liberty to pursue their matter under Section 133 of the Cr.P.C in the light of the said division bench decision in the case of Sanjay Jha (supra).*

2. Prima facie, the petitioner was permitted to invoke remedy under Section 133 of Cr.P.C in the light of earlier co-ordinate Bench decision in the case of Sanjay Jha cited (supra). Therefore, the petitioner has not made out a case of contempt so as to take any action against the official-Respondents. Be that as it may, learned counsel for the State, submitted on instructions that he has filed two show cause in which their specific stands is that there are no illegal encroachments on the subject matter of land. Accordingly, the present MJC No. 1111 of 2022 stands



dropped. The official-Respondents actions are affecting the right of the public or the petitioner, in that event, they may resort appropriate remedy before appropriate forum.

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

**( Alok Kumar Pandey, J)**

vashudha/-

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