

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1655 of 2021

In
Civil Writ Jurisdiction Case No.24477 of 2018

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Ramaekaval Yadav Son of Late Bhiki Yadav Resident of Village- Bharthui,
P.S. Dhanauti (O.P.), District Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, namely Virendra Kumar, Department of Land Revenue, Bihar, Patna.
2. The Collector Cum District Magistrate, Siwan namely Amit Kumar Pandey.
3. The Sub Divisional Officer, Siwan Sadar, District- Siwan namely Lalbabu Baitha.
4. The Circle Officer, Siwan Sadar, District- Siwan namely Gyan Prakash Srivastava.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr. P.N. Sharma, AC to AG

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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 02-08-2024 The present MJC-contempt petition is filed for non-compliance of the order dated 18.11.2019 passed in CWJC No. 24477 of 2018. On 31.07.2024, the following order was passed:-

*"Pursuant to our previous order,
Mr. Ravi Shekhar, Circle Officer, Siwan
Sadar, is present in the Court.*

*2. Mr. P.N. Sharma, learned
counsel for the State, on instructions
submitted that before disposal of C.W.J.C.
No.24477 of 2018, Encroachment
Proceeding No.5/2016-17 was pending
consideration and it was decided on
05.08.2017 to remove the encroachment.
Encroachers have preferred appeals*



before the appellate authority in number of litigations wherein interim order dated 05.08.2017 insofar as removal of illegal encroachment has been stayed. These dates and material information has not been appraised to this Court. Obviously, this Court disposed of C.W.J.C. No.24477 of 2018 at the time of admission itself. There is no representation on behalf of the State. On receipt of the order dated 18.11.2019 passed in C.W.J.C. No.24477 of 2018, the concerned officers should have filed a Civil Review in highlighting the aforementioned dates and events so as to review the order dated 18.11.2019 passed in C.W.J.C. No.24477 of 2018 or in the alternative a detailed speaking order should have been passed highlighting the aforementioned dates and events to the extent that there is impracticability of considering the grievance of the petitioner, since subject matter of illegal encroachment is subjudiced before the quasi judicial authorities. On the other hand, respondents have slept over the matter even from the date of filing of this M.J.C. in the year 2021 and even to this day, they have not passed any order highlighting the aforementioned dates and events relating to pendency of quasi judicial proceedings and appraising the petitioner in the form of order.

3. The Circle Officer, Siwan Sadar, who is present in the Court is hereby directed to pass a detailed and speaking order as to why petitioner's grievance cannot be considered while highlighting the dates and events in respect of Encroachment Case No.5/2016-17 and certain appeals were pending consideration before the appellate authority like Appeal No.762 of 2017 and



connected matters. Such proceeding shall be drawn and placed it on record on the next date of hearing. It is made clear that exemplary cost would be imposed for disregarding and disrespecting the orders of this Court dated 18.11.2019 passed in C.W.J.C. No.24477 of 2018 and cost shall be recovered from the present Circle Officer.

4. Re-list this matter on 02.08.2024."

2. Today, learned counsel for the State-respondent and Mr. Ravi Shankar, Circle Officer, Siwan Sadar is present in the Court. They have produced a copy of the order dated 01.08.2024.

3. Taking note of the aforementioned development, the proceeding of MJC-Contempt petition stands dropped while imposing cost of Rs. 10,000/-. Cost shall be paid to the petitioner within a period of eight weeks from the date of receipt of this order for the reasons that the respondents have slept over the matter till 01.08.2024 in not obeying the orders of this Court.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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