

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1515 of 2019

In
Civil Writ Jurisdiction Case No.1094 of 2015

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Sunil Kumar Mishra S/o Ramashish Mishra R/o Village-Mishrawalia
(Velwaniya), P.O.-Karsar, P.S.-Navanagar, District-Buxar

... .. Petitioner/s

Versus

1. Sri Deepak Kumar The Chief Secretary, Govt. of Bihar, Patna
2. Sri Arvind Kr. Verma District Magistrate, Buxar
3. Sri Umesh Kr. Circle Officer, Navanagar, Buxar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Upadhyay, Advocate
For the Opposite Party/s : Mr. Md. Khurshid Alam (Aag12)

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

3 22-04-2025 This contempt application has been filed alleging violation of the order dated 10.04.2015 passed in CWJC No. 1094 of 2015, wherein, in paragraph No. 5 this Court had passed the following order:

“ Having heard learned counsel for the parties and taking note of the nature of grievance raised herein this writ petition is disposed of with liberty to the petitioner to file a comprehensive representation before the District Magistrate, Buxar setting out his complaint and any such representation filed by the petitioner before the District Magistrate should be considered and disposed of by the District Magistrate after getting an enquiry made into the complaint of the petitioner and after giving an opportunity of hearing and if the complaint of the petitioner is found to be correct then

unless the authorities of the State Government including the District Magistrate, Buxar can arrive at a settlement with the petitioner on such terms and conditions as is agreeable to him or initiate proceedings for acquisition, they should remove the public road constructed on his raiyati land and restore it to its original position within three months from the date of receipt/production of a copy of this order. The period so granted should be utilized by the District Magistrate, Buxar either to arrive at a settlement with the petitioner or to take recourse to the provisions of the Land Acquisition Act or to restore the land to its original position...”

2. Opposite party Nos. 2 & 3 have filed a show-cause wherein, in paragraph Nos. 4-8 it has been stated as under:

“...4. That the order dated 10.04.2015 passed by the Hon’ble court in CWJC No. 1094/95 was never conveyed to the O.P. No. 2 and 3 (Present) earlier and so they were unknown about the same rather same was known to O.P. No. 2 on dated 06.02.2019 when the petitioner gave petition to him.

5. That as soon as the said order/ direction came to the knowledge of the O.P. No. 2 and 3, they promptly took action/ step and got the land measured.

6. That after measurement the O.P. No. 3 found that the public Road has been

constructed on Plot No. 429 of Khata 49 which is of the petitioner.

7. That after measurement it was found obviously that 33'x2'6" [82.5 Spr. Feet] has been encroached from the Raiyati land of the petitioner bearing Khata No. 49, Plot No. 429.

8. That the opposite party No. 3 (Present Circle Officer, Nawanagar) promptly got the encroachment constructed Road removed on dated 30.12.2020 from the Raiyati Land of the petitioner with help of the Police Force concerned and prepared CD of whole action. .."

3. On perusal of the show-cause filed by the opposite party Nos. 2 & 3, I find that the order dated 10.04.2015 passed in CWJC No. 1094 of 2015 has been complied with by the respondents.

4. Accordingly, this contempt application stands closed and disposed off.

(Nani Tagia, J)

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