

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1192 of 2023

In
Civil Writ Jurisdiction Case No.23665 of 2018

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Shivnath Rai Son of Late Ram Bahadur Ray, Resident of Village- Ganichak,
Bans Ke Tal, Baikathpur, P.S.- Khushrupur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. Chaitanya Prasad, the Principal Secretary, Department of Home, Bihar, Patna.
2. Mr. Chaitanya Prasad, the Principal Secretary, Department of Home, Bihar, Patna.
3. Dr. Chandrashekhar Singh Son of not known to the petitioner, the District Magistrate, Patna.
4. Mr. Mukesh Ranjan Son of not known to the petitioner, the Sub-Divisional Officer, Patna City.
5. Mr. Sanjeev Kumar Son of not known to the petitioner, the Circle Officer, Khushrupur Block, District- Patna.
6. Mr Chandra Bhanu Son of not known to the petitioner, the S.H.O., Khushrupur, District- Patna.
7. Swarth Paswan Son of Late Fagu Paswan, Resident of Mosimpur, Bans Ke Tal, Chauraha, P.S.- Khushrupur, District- Patna.
8. Shivji Paswan Son of Late Fagu Paswan, Resident of Mosimpur, Bans Ke Tal, Chauraha, P.S.- Khushrupur, District- Patna.
9. Upendra Prasad Son of Batto Paswan, Resident of Mosimpur, Bans Ke Tal, Chauraha, P.S.- Khushrupur, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Raj Kumar, Adv.
For the State	:	Mr.Raghwand (Ga 11)
		Mr. Sanjay Kumar Tiwari, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-07-2025 The present petition has been filed alleging

disobedience of the orders of this Court dated 13.9.2022, passed

in CWJC No. 23665 of 2018, whereby and whereunder the

petitioner was granted liberty to approach the Circle Officer,

Khushrupur, District-Patna by filing appropriate petition under



the provisions of the Bihar Public Land Encroachment Act, 1956 and accordingly, the Circle Officer, Khushrupur was directed to consider the same and pass appropriate orders forthwith.

2. The learned counsel for the opposite parties has submitted that in compliance of the order of this Court dated 13.9.2022, the Circle Officer, Khushrupur has passed the final order dated 10.11.2022 in Encroachment Case No. 6 of 2022-23, wherein he has stated that since prior to removal of the encroachment in question a prayer has been made by the encroachers for making settlement of the land in question, the revenue staff has been directed to register the name of the said encroachers under the Basera 2 Project and make available appropriate land for settlement and only thereafter, action shall be taken for clearing the encroachment in question.

3. The learned counsel for the petitioner submits that the aforesaid order dated 10.11.2022 is patently illegal, inasmuch as some of the encroachers are already possessing land.

4. I have heard the learned counsel for the parties and considered the materials on record from which it is apparent that no rejoinder affidavit has been filed by the petitioner, hence the stand taken by the opposite parties in the show cause filed



before this Court stands un rebutted. Nonetheless, this Court is of the view that once the Circle Officer, Khushrupur, has passed an order dated 10.11.2022 in compliance of the order of this Court dated 13.9.2022, passed in CWJC No. 23665 of 2018, the order of this Court has stood complied with, hence the present petition has been rendered otiose and in case the petitioner is so aggrieved by the said order dated 10.11.2022, then the same gives rise to a fresh cause of action, for redressal of which the contempt proceedings is not the right forum.

5. Accordingly, the present contempt petition stands dismissed.

(Mohit Kumar Shah, J)

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