

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1913 of 2023

In
Civil Writ Jurisdiction Case No.10969 of 2022

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Satyanand Jha @ Suman Jha, Son of Late Dr. Kameshwar Jha, Resident of village Bariban, Mauza- Sahsaal, Police Station-Basnahi, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Land Reform Department, Patna, Bihar.
2. The Director, Land Reform Department, Patna, Bihar.
3. The District Magistrate Saharsa, District-Saharsa.
4. The Additional District Magistrate Saharsa, District-Saharsa.
5. The Sub-Divisional Officer (SDO) Saharsa, District-Saharsa.
6. DCLR Saharsa, District-Saharsa.
7. The Circle Officer Sonbarsa, District-Saharsa.
8. Thana In-charge Basrahi P.S.- Basrahi, District-Saharsa.
9. Mrs. Manju Devi Wife of Arun Jha Resident of Village- Bariwan, P.S.- Basrahi, District- Saharsa.
10. Arun Jha Son of Late-Rameshwar Jha Resident of Village- Bariwan, P.S.- Basrahi, District- Saharsa.
11. Divisional Commissioner, Saharsa Division, Dist- Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Ziaul Quamar, Advocate
For the Opposite Party/s : Mr. Navnit Kumar, AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 31-10-2025 Heard learned counsel for the petitioner, learned counsel for the State-respondent and learned counsel for the opposite party no.9 who has appeared suo motu.

2. The petitioner has filed the instant application praying for initiation of contempt against the opposite parties alleging violation of the directions contained in order dated



18.4.2023 passed in CWJC no.10969 of 2022.

3. The relevant part of the order dated 18.4.2023 whereby the writ application (CWJC no.10969 of 2022) was dismissed is reproduced herein below for ready reference:

“Having heard learned counsel for the parties and taking into consideration the averments made, in the opinion of this Court, the instant writ application being a dispute between family members, the respondent no.10 being the son of the full brother of the petitioner and the respondent no.9 being the wife of respondent no.10, the writ application is not maintainable.

So far as the prayer made by learned counsel for the petitioner to amend the prayer and to challenge the letter/order dated 16.6.2022 passed by the D.C.L.R., Saharsa as mentioned in paragraph no.9 of the writ application is concerned, in the opinion of the Court, as has been stated at the Bar that the said direction has been passed on an application filed by the respondent no.9 under the B.L.D.R. Act, 2009. The petitioner has an alternative and efficacious remedy of preferring an appeal under the said Act. For this reason also, the writ application is not maintainable.

There being no merit in the writ application, the same is dismissed.”

4. It is submitted by learned counsel appearing for the petitioner that while dismissing the writ application, this Court in its order had observed that the petitioner had an alternate and efficacious remedy of preferring an appeal under the B.L.D.R.



Act and the writ application was dismissed as not maintainable. Pursuant thereto, the petitioner filed an appeal before the Commissioner, Koshi Division, Saharsa which was registered as Land Dispute Appeal Case no.58 of 2023 (Dr. Kameshwar Jha vs. Manju Devi), however, the Divisional Commissioner, Koshi Division, Saharsa (O.P. no.11) by his order dated 20.6.2023 (Annexure-2) has dismissed the said case holding the same to be not maintainable. It is the contention of learned counsel for the petitioner that in view of the observation of this Court in its order dated 18.4.2023, the appeal/case of the petitioner should have been decided on merits by the Divisional Commissioner. Learned counsel for the petitioner is further aggrieved by the fact that while dismissing his appeal, the Divisional Commissioner also did not refer to the order of this Court.

5. Having heard learned counsel for the parties and taking into consideration the contents of the petition, so far as the order dated 18.4.2023 from which the instant contempt application arises, it may be mentioned that by the said order, the writ application of the petitioner was dismissed. It was only mentioned therein that the petitioner had an alternate remedy of preferring an appeal under the said Act. Neither any direction was given to any of the opposite parties nor in the opinion of



this Court any contempt has been committed.

6. Further, the Divisional Commissioner having rejected the appeal filed by the petitioner as not maintainable, the petitioner should have preferred an appropriate application against the said order instead of the instant contempt application.

7. The Court finds no merit in the instant application and the same is dismissed.

(Partha Sarthy, J)

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