

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1948 of 2021

In
Civil Writ Jurisdiction Case No.12023 of 2018

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Akhilesh Kumar, Son of Late S.P. Shastri, Resident of House No. 134, Road No. 2A, New Patliputra Colony, P.S. - Patliputra, District - Patna presently residing at Road No. 2, East Patel Nagar, P.S. Shastri Nagar, District - Patna.
... .. Petitioner/s

Versus

1. The State of Bihar, through Chief Secretary, namely Sri Tripurari Sharan.
2. The Additional Chief Secretary, Revenue Land Reforms Department, Govt. of Bihar, Patna namely Mr. Vivek Kumar Singh
3. The Director General of Police, Bihar, Patna namely S.K. Singhal.
4. The Divisional Commissioner, Patna Division, Patna namely Sri Sanjay Kumar Agrawal.
5. The Inspector General of Police, Patna Zone, Patna namely Mr. Sanjay Singh.
6. The District Magistrate, Patna namely Dr. Chandrashekhar Singh.
7. The Senior Superintendent of Police, Patna, namely Mr. Upendra Kumar Singh.
8. The Deputy Superintendent of Police, Secretariat Patna, namely, Mrs. Smita Suman.
9. The Deputy Collector, Revenue and Land Reforms, Patna Sadar, namely Mr. Sudhanshu Kumar Chaubey.
10. The Station House Officer, Shastri Nagar Police Station, Patna namely Mr. Ram Shankar Singh.
11. Jitendra Yadav @ Tuntun Yadav, fathers name not known to the petitioner Shanti Timber, New Bypass Road, P.S. Gardanibag, District - Patna.
12. Vinay Yadav, Fathers name not known to the petitioner, White House, Gandhi Nagar, Anandpuri, West Boring Canal Road, P.S. - Krishnapuri, District - Patna.
13. Satya Narayan Singh, Fathers name not known to the petitioner, Resident of Mohall- Keshri Nagar, P.S. - Shastri Nagar, District - Patna.
14. Abhay Kumar Singh, Fathers name not known to the petitioner, Resident of Sankat Mochan Nagar, New Police Line, P.S. - Nawada, District - Bhojpur.
15. Shashi Kant Tiwari, Fathers name not known to the petitioner, Resident of northern of off Road No. 1, East Patel Nagar, P.S. - Shastri Nagar, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ranjit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ebadur Rehman Shakib, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI
and
HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH



ORAL ORDER

(Per: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI)

6 11-04-2025 The present M.J.C. application has been filed under Sections 12 and 14 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India, in which the applicant has prayed that proceedings be initiated against the opposite parties herein for not complying with the order dated 19.01.2021 passed by this Court in C.W.J.C. No. 12023 of 2018.

2. Heard Mr. Ranjit Kumar Singh, learned counsel for the petitioner and Mr. Ebadur Rehman Shakib, learned AC to A.A.G.-12, who appears on behalf of opposite party nos. 1 to 11.

3. Learned counsel for the petitioner has referred the averment made in the memo of application and thereafter submitted that this Court passed an order on 19.01.2021 in C.W.J.C. No. 12023 of 2018 and the said petition came to be disposed of with certain observations, however, the concerned respondent has not complied with the said direction issued by this Court. Learned counsel, therefore, has prayed that appropriate proceedings be initiated against the opposite parties herein for wilful and intentional disobedience and non-compliance of the order passed by this Court.

4. On the other hand, learned counsel appearing for



opposite party nos. 1 to 11 has opposed this application. It has been submitted that opposite party nos. 6 and 9 have filed show cause, wherein it is stated that the concerned authorities have initiated proceedings for removal of encroachment, however, in the meantime, the concerned party has preferred C.W.J.C. No. 19879 of 2019, wherein this Court has passed an order of maintaining *status quo*, as a result of which, further action has not been taken. Learned counsel has urged that there is no intentional or wilful disobedience of the order passed by this Court and the present proceedings initiated under the provision of Contempt of Courts Act is misconceived and, therefore, the said proceeding be dropped.

5. We have considered the submissions canvassed by learned Advocates and perused the materials available on record. It would emerge from the record that by the order dated 19.01.2021, the Division Bench of this Court has disposed of C.W.J.C. No. 12023 of 2018. While disposing of the said petition, the Division Bench has specifically observed that liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law and has further observed that this Court has not expressed any opinion on merits. All issues are left open.

6. We are, therefore, of the view that the Division



Bench of this Court did not decide the matter on merits and the said petition came to be disposed of without issuing any direction to the concerned authority.

7. Even otherwise, now, the opposite party nos. 6 and 9 have specifically stated before us in the present proceedings that the proceedings were initiated for removal of the encroachments with regard to the land in question, however, in the meantime, the concerned party has filed the petition, being C.W.J.C. No. 19879 of 2019, wherein this Court has passed an order directing the parties to maintain *status quo* over the land in question.

8. We are, therefore, of the view that it cannot be said that there is intentional and wilful disobedience on the part of the concerned opposite parties, and therefore, the present application itself is misconceived.

9. Accordingly, the M.J.C. application stands dismissed.

(Vipul M. Pancholi, J)

(Prabhat Kumar Singh, J)

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