

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2897 of 2019

In
Civil Writ Jurisdiction Case No.17458 of 2018

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Bimlesh Kumar Singh S/o Late Sahdeo Singh Resident of Village- Rampur,
P.S.- Jamhor, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary Land Revenue Department, Govt. of Bihar, Patna
2. The Collector, Aurangabad, Dist. Aurangabad
3. The District Collector, Land Reforms, Dist. Aurangabad
4. The Subdivision Officer, Aurangabad, Dist. Aurangabad
5. Mr. Prem Kumar, Circle Officer, Circle Aurangabad, Dist. Aurangabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Janardan Pd. Singh, Sr. Advocate
		Mr. Dipak Kumar, Advocate
For the Opposite Party/s	:	Mr. Md. Khurshid Alam, AAG-12

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

9 08-09-2025 Heard learned Mr. Janardan Pd. Singh, learned senior counsel appearing on behalf of the petitioner and Mr. Md. Khurshid Alam, learned AAG-12 appearing on behalf of the State.

2. This contempt petition has been filed alleging violation of the order dated 08.01.2019 passed in C.W.J.C. No. 17458 of 2018, whereby, the respondent No.5 / the Circle Officer, Aurangabad has been directed to examine the complaint made on behalf of the petitioner after complying the provisions made under Sections 3, 4 and 5 of the Bihar Public Land



Encroachment Act and pass an appropriate order in accordance with law after providing adequate opportunity of hearing to all the concerned parties within a period of three months from the date of receipt of the copy of the order.

3. Opposite party Nos. 2 to 5 have filed a show cause, supplementary show cause and 2nd supplementary show cause.

4. The Circle Officer is opposite party No. 5.

5. In the supplementary show cause filed by the opposite party Nos. 2 to 5 on 01.09.2023, in paragraph no. 15, thereof, it has been stated as under:

“15. That after hearing the parties well as after considering the entire facts and evidences available on record, the O.P. No. 5, Circle Officer, Aurangabad passed an order dated 07.08.2023 under section 6(1) of the Bihar Public Land Encroachment Act, 1956 and thereafter the notices U/S 6(2) of the Act were issued against the encroachers with a direction to remove the encroachment from the public land in question by 22.08.2023 itself, otherwise it will be removed with the help of administration and entire cost accrued upon it will be recovered from them.”



6. On perusal of paragraph No. 15 of the supplementary show cause filed by the opposite party Nos. 2 to 5, which has been extracted hereinabove, it appears that the Circle Officer, Aurangabad, after hearing the parties as well as on consideration of the facts and evidences available on record, has passed an order dated 07.08.2023 under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 and thereafter, the notices under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 has been issued against the encroachers with a direction to remove the encroachment from the public land in question by 22.08.2023 itself, otherwise it will be removed with the help of administration and entire cost accrued upon him will be recovered from them. The order passed by the Circle Officer, Aurangabad dated 07.08.2023 has also been enclosed as Annexure-E to the supplementary show cause filed by the opposite party Nos. 2 to 5.

7. Since the direction in the writ petition was to the extent that the Circle Officer, Aurangabad shall examine the complaint of the petitioner and after complying the provisions made under Sections 3, 4 and 5 of the Bihar Public Land Encroachment Act shall pass an appropriate order in accordance with law after providing adequate opportunity of hearing to all



the concerned parties; therefore, in view of the fact that the Circle Officer, Aurangabad has passed an order dated 07.08.2023 under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 after hearing all the parties, I find that the order passed in the writ petition has been duly complied with by the Circle Officer, Aurangabad.

8. Learned senior counsel for the petitioner has vehemently argued that since the Circle Officer, Aurangabad in its order 07.08.2023 has found that there has been an encroachment in the public land and also there has been an order, if the encroachers does not remove themselves from the encroached public land by 22.08.2023, they will be removed with the help of administration and entire cost accrued upon it will be recovered from them, that order may directed to be complied with by the Circle Officer, Aurangabad.

9. To ensure compliance of the order dated 07.08.2023 passed by the Circle Officer, Aurangabad by the Circle Officer is entirely within the administrative domain of the Circle Officer, Aurangabad, which the Circle Officer, Aurangabad is bound to do so.

10. The submission of the learned senior counsel to ensure compliance of the order passed by the Circle Officer,



Aurangabad by issuing a necessary direction in the instant contempt petition is entirely misconceived and if this Court passes any order to that effect it would be exceedingly its jurisdiction in a case initiated under Sections 11 and 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India.

11. Accordingly, this Court refrains from passing an order ensuring compliance of the order dated 07.08.2023 passed by the Circle Officer, Aurangabad.

12. The contempt petition, therefore, stands closed and disposed off.

(Nani Tagia, J)

Nilmani/-

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