

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3234 of 2019

In
Civil Writ Jurisdiction Case No.14549 of 2015

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Raj Kumar S/o Gajendra Rai @ Rajendra Ray Resident of Villlage- Bakhari,
Post Office – Mirzapur, Police Station- Ahiyapur, District Muzaffapur.

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. Alok Ranjan Ghosh, the District Magistrate, Muzaffarpur
2. Mr. Kundan Kumar Sub Divisional Officer, East Muzaffarpur
3. Mr. Nagendra Kumar Circle Officer, Circle- Musahari, Distt.- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate

For the Opposite Party/s : Mr. Md. Khurshid Alam (AAG-12)

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

3 11-04-2025 Heard learned counsel for the parties.

2. This contempt petition has been filed alleging violation of the order dated 29.07.2016 passed in C.W.J.C. No. 14549 of 2015, wherein, this Court had passed the following order:

“This writ application is being disposed of, granting liberty to the petitioner to once again approach the Circle Officer, Respondent No.3, Musahari, Muzaffarpur, by filing a proper application for initiation of a Proceeding for removal of encroachment from public land concerned. On such application being



filed, let the Circle Officer, Muzaffarpur, examine as to whether there is any encroachment upon a public land and road or not, as has been mentioned by the petitioner. If he comes to the conclusion that there is some encroachment in public land, then he will be required to initiate a proceeding and bring that to a logical conclusion within a period of four months from the date of filing of such application.

It is made clear that this Court has not formed any expressed opinion on the merit of the case and, as such, reasonable opportunity should be given to all concerned including the Respondent No.4.”

3. Opposite Party Nos. 1 to 3 have filed a show cause, wherein, in paragraph nos. 7 and 8, it has been stated as under:

“7. That in pursuant to aforesaid order of this Hon’ble Court. Opposite Parties concerned swing into action to look into the matter and take action in accordance with law, in this connection Circle Officer, Mushari directed the concerned Halka Karamchhari as well as Anchal Amin to submit report in light of claim of petitioner with respect to land in question who after inspection on spot submitted reports with sketch map slating that the aforesaid plots is



raiyati land recorded in the name of one Rajendra Singh son of Raghuvansh Singh in revisional Survey Khatian having an area 0.38 deci as per map too. That in view of aforesaid facts and circumstances of present cast it is evident that the dispute in question is between the private parties in respect of an immovable property which is raiyati land.

8. There is universal rule/principle of law which debars the official respondent authorities in question from entertaining such adjudication involving disputed question of fact and possession and conflicting claims of the parties to determine correct facts for due application of the law as there is dispute between the private parties in respect of an immovable property which is raiyati land for which statutory remedy is available to the petitioner under law after going through the documents available on record and considering entire facts, Circle Officer, Mushari has made decision on the merit on the representation of the petitioner with reasoned and speaking order vide order dated 04.03.2021.”

4. On perusal of paragraph nos. 7 & 8 of show cause filed by the Opposite Party Nos. 1 to 3, I find that the order dated 29.07.2016 passed in C.W.J.C. No. 14549 of



2015 has been complied with by the Opposite Parties.

5. Accordingly, the contempt petition stands closed and disposed off.

(Nani Tagia, J)

Nilmani/-

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