

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2723 of 2023

In
Civil Writ Jurisdiction Case No.4889 of 2020

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Kameshwar Gop @ Kameshwar Yadav Son of Late Yugal Gope @Yugal
Yadav Resident of Village- Bhalua Chatty, P.S.- Bara Chatty, District- Gaya,
Pin code- 824201

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Forest and Environment Department, Government of Bihar (Smt. Bandana Preyashi), Patna.
2. Sri Rajeev Ranjan, the District Forest Officer Forest and Environment Department, District-Gaya.
3. Sri Shashi Bhushan Kumar Sinha, the Forest Ranger Forest and Environment Department, Bara Chatty Area, District- Gaya, (Bihar).
4. Sri S. Sudhakar, the Chief Conservator of Forest and Environment Department, Bihar at Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Adv.
Mr. Ajay Kumar Prasad

For the Opposite Party/s : Mr.Ajay (GA 5)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

9 31-01-2025 Heard Mr. Binod Kumar Sinha, learned counsel for

the petitioner duly assisted by Mr. Ajay Kumar Prasad, learned

counsel and Mr. Ajay, learned Government Advocate-5.

2. The present petition for contempt has been filed

for the following relief(s):-

*“This application on behalf of the
petitioner is for initiation of contempt
proceeding against the contemnors (opposite
party No. 2) for willful and deliberate
disobedience of the order dated 10.08.2023*



passed in C.W.J.C. No. 4889 of 2030 whereby and where under the Hon'ble Court has been pleased to quash the notices dated 28.06.2023 issued by the Respondent/ contemnor No. 3 and allowed the writ Petition with liberty to the Respondent authorities to take legal remedy to challenge the order passed by the Court of Assistant Settlement Officer, Gaya, if they are convinced that the land in question is a protected forest."

3. This Court on the categorical statement of the petitioner that he is having the said land on the basis of settlement by the ex-landlord in the year 1942 which got stamped in Suit No. 1551 of 1977 *vide* an order dated 14.07.1983, quashed the notice dated 28.06.2023 passed by the Respondent/Opposite Party (The Forest Range, Forest and Environment Department, Bara Chatty Area, District- Gaya, Bihar) *vide* an order dated 10.08.2023 (Annexure-1 to the petition).

4. Later, the present contempt petition was filed alleging that on 20.08.2023, despite the order having been passed in the presence of learned A.C. to G.P. 21 (Late Avnish Nandan Sinha), the Opposite Party demolished the hotel and as such, have clearly attracted contempt.



5. Mr. Ajay, learned Senior Counsel is appearing in the matter and according to him, during writ petition period, the file was with the office of learned G.P. 21 who is no more and as such, he cannot reply on whether the order dated 10.08.2023 was communicated to the Forest Officials or not when the demolition took place on 20.08.2023. It is his further submission that document attached by the petitioner showing his application dated 16.08.2023 seems to be forged as no petition was ever provided to the Forest Officials and he has taken this Court to the second page of the said petition to show that though the letter has been dated 16.08.2023, it talks about the demolition which took place on 20.08.2023.

6. This Court has gone through the said facts and is convinced that the letter in question is doubtful. Since Avnish Nandan Sinha is no more, it can also not be ascertained whether the Forest Officials were having the knowledge of the order of this Court dated 10.08.2023 or not. However, to satisfy itself, the Court wanted the Opposite Party to provide the order of the Suit No. 1551 of 1977 decided by the Assistant Settlement Officer, Gaya.

7. In response, the same has been attached as supplementary show-cause. It talks about the case having been



fought between Kesho Mahton and Rohan Mahto/Dasu Mahton.

8. The show-cause was/were provided to the learned counsel for the petitioner long back, the last being on 07.01.2025 and today the matter has been taken on 31.01.2025. There is nothing on record to show how Rohan Mahto and Dasu Mahton who ultimately won the suit are related to him. The case of the State is that it is a protected forest area and the petitioner is encroacher.

9. The petitioner in that background is well advised to take civil route to claim his possession over the said land. So far as the assertion that a wrong order has been attached with the supplementary show-cause, again he has the option to take the remedy in civil/criminal side, if the order-sheet that has put by way of an affidavit by the Opposite Party, according to him, is wrong one.

10. Time has come to consign the file. The petition stands disposed of.

(Rajiv Roy, J)

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