

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2753 of 2022

In
Civil Writ Jurisdiction Case No.12142 of 2019

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1. Mahendra Kumar Son of Late Jagdish Yadav, Resident of village - Samaspur, Kako, P.S. - Kako, District - Jehanabad.
 2. Binay Prasad, Son of Late Yamuna Prasad, Resident of village - Samaspur, Kako, P.S. - Kako, District - Jehanabad.
 3. Ravi Kumar, Son of Ram Narain Singh, Resident of village - Samaspur, Kako, P.S. - Kako, District - Jehanabad.
 4. Uday Yadav, Son of Late Sinohi Yadav, Resident of village - Samaspur, Kako, P.S. - Kako, District - Jehanabad.
 5. Ramjanam Singh, Son of - Late Shivratan Singh, Resident of village - Samaspur, Kako, P.S. - Kako, District - Jehanabad.
 6. Anwar Imam, Son of Late Hasan Imam, Resident of village - Samaspur, Kako, P.S. - Kako, District - Jehanabad.
 7. Ram Narain Sharma, Son of Late Manak Singh, Resident of village - Samaspur, Kako, P.S. - Kako, District - Jehanabad.
 8. Lala Singh, Son of Udit Narain Singh, Resident of village - Samaspur, Kako, P.S. - Kako, District - Jehanabad.
 9. Chandrashekhar Prasad, Son of Awadhesh Singh, Resident of village - Samaspur, Kako, P.S. - Kako, District - Jehanabad.
 10. Vishundev Yadav, Son of Late Ramswaroop Yadav, Resident of village - Samaspur, Kako, P.S. - Kako, District - Jehanabad.

... .. Petitioner/s

Versus

1. Sri Mayanak Barbode, The State of Bihar Through the Commissioner, Magadh Division Gaya.
2. Smt. Richi Pandey, The District Magistrate-cum-Collector, Jehanabad.
3. Mr. Manoj Sarji The Sub-Divisional Office-cum-Sub-Divisional Public Grievance Redressal Officer, Jehanabad.
4. Mr Nili Yadav The Circle-Officer, Kako, Jehanabad.
5. Nazma Khatoon, Wife of Gulam Kardi Resident of Samaspur, Kako, P.S.- Kako, District - Jehanabad.
6. Naushad Alam, Son of - Late Md. Kayum Alam, Resident of Samaspur, Kako, P.S.- Kako, District - Jehanabad.
7. Gargia Khatoon, Wife of Late Md. Mazun, Resident of Samaspur, Kako, P.S.- Kako, District - Jehanabad.
8. Md. Aziaz Ahamad, Resident of Samaspur, Kako, P.S.- Kako, District - Jehanabad.
9. Tazi Miyan, Resident of Samaspur, Kako, P.S.- Kako, District - Jehanabad.
10. Ram Pravesh Pandit, Son of - Baal Govind Pandit, Resident of Samaspur, Kako, P.S.- Kako, District - Jehanabad.



11. Aman Park, Resident of Samaspur, Kako, P.S.- Kako, District - Jehanabad.
12. Md. Ashik Mallik, Resident of Samaspur, Kako, P.S.- Kako, District - Jehanabad.
13. Lien Ansari, Son of - Hatim Akhta Resident of Samaspur, Kako, P.S.- Kako, District - Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate
For the State : Mr. Kunal Tiwary, AC to GA 2

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

16 02-07-2025

On 09.01.2025, we have passed the following order :

“In the light of earlier order Ms. Alankrita Pandey, District Magistrate, Jehanabad and Md. Naushad Haider, Circle Officer, Kako are present in the Court.

2. Today, the District Magistrate, Jehanabad has filed an affidavit along with Annexures – A to G stating that illegal encroachments have been removed except one land which has been occupied by Mr. Azad Ahmad and it is in order with reference to revenue records. To that effect, Circle Officer, Kako passed an order on 03.01.2025.

3. Learned counsel for the petitioners is disputing certain factual aspect of the matter in respect of affidavit filed during the course of the day. He is permitted to file rejoinder affidavit, if any, before the next date of hearing.

4. Relist this matter on 30.01.2025.

5. Personal appearance of District



*Magistrate, Jehanabad and Circle Officer, Kako
stand dispensed until further orders.”*

2. Petitioners have filed reply to the affidavit filed on behalf of the Opposite Party Nos. 2 to 4 dated 14.05.2025 contending that building construction was not existing as contended by the opposite parties in the year 1939. Perusal of photographs, it is evident that it is not an old construction. On such presumption we cannot draw inference whether in the year 1939 construction was existed on the subject matter of land or not. Assuming that if such construction was existed by this time, it must have been demolished and rebuild. These are all disputed issues which cannot be adjudicated in the Contempt of Court proceedings.

3. Accordingly, present MJC No. 2753 of 2022 stands dropped reserving liberty to the petitioners to invoke appropriate remedy if they are still aggrieved in non-compliance or they are doubting the existence of the building on the subject land at the relevant point of time or not.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

GAURAV S./-

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