

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4090 of 2024

In
Miscellaneous Appeal No.699 of 2023

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Smt. Anita Sinha, W/o Krishna Chandra Singh, D/o Birendra Kumar Sinha,
R/o H-137, Harmu Housing Colony, P.S Doranda, Ranchi, Jharkhand 834002.
At Present House No. 15, Manju Bhawan, Durga Ashram Gali, Shekhpura,
P.O. B V College, PS Shastrinagar, Patna- 800014.

... .. Petitioner/s

Versus

1. State of Bihar through the Registrar, District Registry Office, Patna- 800001.
2. Shri Ravi Ranjan, the Registrar, District Registry Office, Patna - 800001.
3. Shri Rajiv Mishra, Senior Superintendent of Police, Patna.
4. Shri Mithilesh Kumar, Station House Officer, Deedarganj, P.S., Patna.
5. Sri Ram Chandra Prasad Singh, S/o Late Ram Briksh Singh, Flat No. 304,
VIP Residency, Mahuabagh Road, Murlichak, Phulwarisharif, Patna, Bihar,
Pincode-801506.
6. Shri Balram Kumar, Son of Shri Surendra Rai, R/ o- Jethuli, Post- Kachchi
Dargah, Sana Fatuha, District- Patna, State- Bihar, Pin Code- 803201
7. Shri Baljit, S/o Shri Ram Sewak Singh, R/o- Mohalla Katra Bazar Samiti,
Mokarba Noorpur, Patna City, Thana- Malsalami, District- Patna, State
Bihar, Pincode- 800008

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha, Sr. Adv. Mr. Siddhartha Prasad, Adv.
For the Opposite Party/s :		Mr. Divya Verma, AC to AAG- 3
For the O.P. No. 5	:	Mr. Abdul Mannan Khan, Adv. Mr. Harun Quareshi, Adv.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

17 29-08-2025 This miscellaneous application has been filed for

initiating contempt against opposite party no. 5 for willful

and deliberate disobedience of order dated 08.01.2024

passed in Miscellaneous Appeal No. 699 of 2023 by this

Court.



2. Mr. Chitranjan Sinha, learned senior counsel for the petitioner submits that *vide* order dated 08.01.2024 passed in Miscellaneous Appeal No. 699 of 2023, an order of *status quo* with regard to the suit property was passed by this Court. It is submitted that on notice, opposite party no. 5 appeared on 28.03.2024 through his counsel. It is submitted that opposite party no. 5 was fully aware of the order of this Court dated 08.01.2024. Despite the said *status quo* order, opposite party no. 5 executed a sale deed with regard to the suit land on 21.09.2024 in favour of opposite party nos. 6 and 7 pertaining to Plot No. 472, Khata No. 157 and Plot No. 473, Khata No. 244 which has been mentioned in paragraph no. 1 of the instant application.

3. Learned senior counsel for the petitioner has relied upon a decision in the case of ***Delhi Development Authority Vs. Skipper Construction Co. (P) Ltd. & Anr.*** reported in (1996) 4 SCC 622, in which it has referred to ***Century Flour Mills Limited Vs. S. Suppiyah*** by Full Bench of Madras High Court, wherein it has been held that where an act is done in violation of an order of stay or injunction, it is the duty of the court as a policy to set the



wrong, right and not allow the perpetuation of the wrong doing. The contemner should not be allowed to enjoy or retain the fruits of his contempt. It is further submitted that on the strength of sale deed dated 21.09.2024, the opposite party nos. 6 and 7 took possession of the suit land and also prayed for mandatory direction be given to restore the actual status of the sold land which existed on the date of passing of the order dated 08.01.2024.

4. Learned counsel for the opposite party no. 5 has filed his reply to show cause. It is submitted that opposite party no. 5 had no knowledge about the order of *status quo* passed in M.A. No. 699 of 2023 dated 08.01.2024. In paragraph no. 11 of his show cause, he has specifically stated that he was not at all aware about the passing of the order of *status quo* in the instant Second Appeal, so he sold a portion of the suit property in good faith and for *bonafide* reason. It is submitted that if opposite party no. 5 would have got any whisper regarding the order of *status quo*, he must have taken permission from this Court. The said opposite party no. 5 has not deliberately violated the order of this Court. It is submitted that opposite party no. 5 has no



source of income and his three brothers including the husband of the petitioner ousted this opposite party from his ancestral house and they have illegally captured the entire ancestral properties by physical force. It is further submitted that the opposite party has been suffering from various types of ailments including serious cardiac problem which resulted into his surgical operation of heart and the opposite party had no option but to sell a portion of the suit property which is much less than his legal share.

5. In response to the above submissions, learned senior counsel for the petitioner submits that opposite party no. 5 making false statement with intention to mislead this Court by portraying himself as a victim. The claim of opposite party no. 5 that he had no source of income is entirely incorrect. In fact, opposite party no. 5 is a man of substantial means and is known to have sold the land situated at prime locations in the year 2022, fetching amounts worth several lakhs. It is submitted that the attempt to gain sympathy by citing alleged health issues including a cardiac condition and claim of having no income is completely false and calculated. In support of this, the



petitioner has filed photocopy of the sale deed Nos. 11775 and 11776 dated 04.08.2022 (Annexure-P3 Series). It is further submitted that opposite party no. 5 is demonstrative of a deliberate, willful and conscious defiance of the lawful order dated 08.01.2024 passed by this Court in Miscellaneous Appeal No. 699 of 2023. It is admitted fact that the *status quo* order with regard to suit property was passed on 08.01.2024 and on summons opposite party no. 5 appeared on 28.03.2024 through his counsel and despite that he executed sale deed in favour of opposite party nos. 6 and 7 on 21.09.2024.

6. On perusal of sale deed dated 21.09.2024, it appears that in paragraph no. 7, there is specific averments made that the lands under the sale deed is not disputed land.

7. Considering the conduct of the opposite party no. 5, it is apparent that he has willfully violated the order dated 08.01.2024 despite having full knowledge of the *status quo* order and has appeared on summons on 28.03.2024. In the facts and circumstances of the case, it is apparent that by executing the sale deed dated 21.09.2024 with an averment in the recital of the sale deed that there is



no dispute with regard to the land being sold, the said sale deed no. 15021 dated 21.09.2024 has been executed in deliberate violation of order dated 08.01.2024 passed in Miscellaneous Appeal No. 699 of 2023 and thus, it is apparent that there is willful violation having no respect for the *status quo* order having been passed by this Court.

8. Hence, under the facts and circumstances, this Court is invoking the inherent jurisdiction and cancelling the sale deed no. 15021 dated 21.09.2024 having been executed by opposite party no. 5 in favour of opposite party nos. 6 and 7. It is further directed to maintain *status quo* as existed on 08.01.2024. Further, opposite party nos. 3 and 4 are directed to retrieve the possession from opposite party nos. 6 and 7 and maintain *status quo* as it existed on 08.01.2024.

9. It is further directed that opposite party nos. 6 and 7 shall vacate the purchased property *vide* sale deed dated 21.09.2024 and restore the actual status of the sold land.

10. It goes without saying that opposite party nos. 6 and 7 are accorded liberty to recover the consideration



amount from opposite party no. 5. Further, opposite party no. 5 is also directed not to sell the land in future.

11. In the aforesaid backgrounds, the contempt application stands disposed of with the aforesaid observations and directions.

(Khatim Reza, J)

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