

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2552 of 2023

In
Civil Writ Jurisdiction Case No.20164 of 2016

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Kamakhya Narain Singh S/o Late Bhuneshwewr Singh, Resident of village -
Kheraje-Sahpur, P.O. Lalshahpur, P.S. Sadar (Mabbi O.P), District
Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Dr. Manish Kumar, the Commissioner Darbhanga.
3. Rajiv Raushan, the Collector, Darbhanga.
4. Awakash Kumar, the Senior Superintendent of Police, Darbhanga.
5. Chandrima Attri, the Sub Divisional Officer, Darbhanga.
6. Neelam Kumari, the Circle Officer, Bahadurpur, District Darbhanga.
7. Indrashan Sah, the Circle Officer, Darbhanga Sadar, District Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amarendra Narayan, Advocate
For the Opposite Party/s : Mr.Dhurjati Kumar Prasad (Gp14)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

10 24-04-2026 The learned counsel for the opposite party seeks to

file a supplementary show-cause on behalf of opposite party
no.3, copy whereof has already been filed online. Let the same
be kept on record. The learned counsel for the petitioner also
seeks to file reply to the said supplementary show-cause filed by
opposite party no.3, copy whereof of has already been filed
online. Let the same be also kept on record.

2. The present petition has been filed alleging
disobedience of the order of this Court dated 27.04.2023 passed



in CWJC No.20164 of 2016 whereby and whereunder the Circle Officer had been directed to conclude the proceedings of the connected Encroachment Case No.1 of 2023-24.

3. The Circle Officer, Bahadurpur, vide order dated 18.08.2023, has passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”) declaring the unauthorized occupants of the encroached land as encroachers.

4. The learned counsel for the opposite parties has submitted by referring to paragraph no.5 of the supplementary show-cause filed on behalf of Opposite Party No.3 today in the Court itself that except 7 houses, all houses of the encroachers have been demolished in the presence of Magistrate and police-force and as far as the said 7 houses are concerned, while in one house grains were kept, the six families of remaining six houses had requested that since marriage of their daughter is fixed, demolition be deferred and they would remove encroachment voluntarily after the marriage and to the said effect they had also given appropriate application.

5. The learned counsel for the petitioner submits by referring to the reply filed by the petitioner to the supplementary show-cause filed on behalf of opposite party no.3 that out of a



list of 129+2 encroachment described in Annexure-R-3/J, only 19 have been removed and rest are yet to be removed.

6. This Court finds that the order of this Court dated 27.04.2023, passed in CWJC No.20164 of 2016 has stood complied with inasmuch as the Circle Officer, Bahadurpur has passed the final order under Section 6(1) of the Act, 1956 on 18.08.2023.

7. It is a well settled law that in a contempt proceeding, rival claim of the parties and disputed question of facts cannot be gone into, hence this Court deems it fit and proper to close the present proceedings. However, in case the petitioner has any subsisting grievance, he can resort to such remedies as are otherwise available under the law.

8. Accordingly, the present petition stands disposed of.

(Mohit Kumar Shah, J)

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