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2/9/13

IN THE HIGH COURT OF JUDICATURE AT PATNA
(MISCELLANEOUS JURISDICTION CASE)

MJC No.- _____ of 2013

(Arising out of CWJC No.-22768 of 2012)

Ravi Shankar Singh

_____ PETITIONER

VERSUS

The State of Bihar & others

_____ OPPOSITE PARTIES

Subject:- Contempt petition

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IN THE HIGH COURT OF JUDICATURE AT PATNA
(MISCELLANEOUS JURISDICTION CASE)

MJC No.- _____ of 2013

(Arising out of CWJC No.-22768 of 2012)

In the matter of an application under Article 215 of the Constitution of India read with section 11 & 12 of contempt of court

AND

In the matter of;

Ravi Shankar Singh, son of Late Ram Chandra Singh, Resident of Village + P.O.- Naya Nagar, P.S.- Udakishunganj, District- Madhepura.

_____ **PETITIONER**

VERSUS

1. The State of Bihar.
2. The District Magistrate, Madhepura.
3. The Sub Divisional Magistrate,
udakishunganj (Madhepura).
4. The Deputy Collector, Land Reforms,
Udakishunganj (Madhepura).
5. The Circle Officer, Udakishunganj
(Madhepura).

_____ Respondent 1st Set

- | | | |
|-----------------------------|---|--|
| 6. Vidyakar Singh | } | All Son's of Late Karan Prasad Singh |
| 7. Sudhakar Singh | | |
| 8. Diwakar Singh | | |
| 9. Prabhakar Singh | | |
| 10. Gajendra Narayan Singh | } | All Son's of Late Jagdish Prasad Singh |
| 11. Dharendra Kumar Singh | | |
| 12. Jitendra Kumar Singh | | |
| 13. Haldhar Prasad Singh | } | Both Son's of Late Surya Narayan Singh |
| 14. Chakradhar Prasad Singh | | |

(3)

All resident of Naya Nagar, P.S.-
Udakishanganj, District- Madhepura.

____ Respondent 2nd Set

To,

The Hon'ble Ms. Justice Rekha M.
Doshit, the Chief Justice of the High Court of
Judicature at Patna and her companion justices
of the said Hon'ble Court.

The humble petition
on behalf of the
petitioner above named.

MOST RESPECTFULLY SHEWETH :-

1. That this contempt petition is being filed to initiate the contempt proceeding against the opposite parties for violating the order of this Hon'ble Court passed on 12.12.2012 by Hon'ble Justice V.N. Sinha in CWJC No.- 22768/2012.

2. That the petitioner is citizen of India and resides within the territorial jurisdiction of the Hon'ble Court.

3. That brief fact of the case is :

(i) That the petitioner being aggrieved from the encroachment at public land/road filed a petition before the Deputy Collector Land Reforms, Udakishunganj, Madhepura for removal of encroachment from public land.

(ii) That the land appertaining to Mauza-Naya Nagar, Thana No.188, Circle-Udakishunganj, Khesra no.1391 area about 10 decimals was encroached by the Respondent 2nd Set.

(iii) That a Land Encroachment Case was initiated against the Respondent second set being Encroachment Case

(5)

no.31/2010-11 for removal of encroachment from Public Land/Road.

Notices were issued to Respondent 2nd set and they appeared. The Report from the circle officer, Udakishunganj was called for the counsel for both parties were heard and thereafter encroachment upon the public land/road in question by Respondent 2nd set was found. Upon the finding of Encroachment the DCLR, Udakishunganj ordered for removal of Encroachment from the public land/road.

(iv) That by order dated 20.10.2011 the DCLR, Udakishunganj ordered for removal of encroachment from public land/road by the Respondent 2nd set.

4. That the writ petition was filed for giving direction for removal of encroachment from public land/road at Mauza Naya Nagar, Thana No.188 Circle Udakishunganj Khesra No.1391 area 10 decimals. which has been encroached by the person's named and arrayed as Respondent 2nd set.

5. That the Hon'ble Court has been pleased to dispose of the writ petition CWJC No.- 22768 of 2012 by order dated 12.12.2012 comprising of Hon'ble Mr. Justice V.N. Sinha with direction to petitioner to approach the Deputy Collector Land Reforms concerned who should ensure compliance of his own order within reasonable time.

A copy of order dated
12.12.2012 passed in
CWJC No.- 22768 of 2012
is annexed herewith and

marked as Annexure- 1
to this petition.

6. That the petitioner in compliance of the order of Hon'ble Court filed a petition before the Deputy Collector Land reforms on 15.01.2013 alongwith other authorities but till date no any action has been taken by the respondent authorities.

A true representation
dated ¹⁵⁻⁰¹⁻²⁰¹³~~21.12.2012~~ is
annexed herewith and
marked as Annexure- 2
to this petition.

7. That inspite of this representation the opposite party did not do anything and has violated the order of this Hon'ble Court even after expiry of 8 months.
8. That the petitioner has not filed other contempt application arising out of the

(8)

order dated 12.12.2012 by Hon'ble Justice
V.N. Sinha in CWJC No.- 22768/2012.

It is, therefore, prayed
that your Lordships be
pleased to initiate the
contempt proceeding against
the opposite party no.-4 so
that the order of this
Hon'ble Court dated
12.12.2012 may be
implemented.

AND/OR

Pass such any other order
or orders as your Lordships
may deem fit and proper.

And for this the petitioner shall ever pray.

AFFIDAVIT

I, Ravi Shankar Singh, aged about 34 years, S/o-
Late Ram Chandra Singh, R/o Village- Naya Nagar,
P.S.- Udakishunganj, District- Madhubani, do hereby
solemnly affirm and state as follows:-

1. That I am petitioner in this case and as such
am well acquainted with the facts and
circumstances of the case.
2. That contents of this contempt petition and
affidavit have read over and understood the
same.
3. That the statements made in this petition are
true to my knowledge and belief.
4. That the annexures are photo copies of their
respective originals.

Ravi Shankar Singh

10

Annexure-1

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22768 of 2012

Ravi Shankar Singh, S/o- Late Ram Chandra Singh, Resident of Village+P.O.-
Naya Nagar, P.S.- Udakishunganj, District- Madhepura

..... Petitioner

Versus

1. The State of Bihar
 2. The District Magistrate, Madhepura.
 3. The Sub Divisional Magistrate, Udakishunganj (Madhepura).
 4. The Deputy Collector, Land Reforms, Udakishunganj (Madhepura).
 5. The Circle Officer, Udakishunganj (Madhepura).
 6. Vidyakar Singh, son of Late Karan Prasad Singh.
 7. Sudhakar Singh, son of Late Karan Prasad Singh.
 8. Diwakar Singh, son of Late Karan Prasad Singh.
 9. Prabhakar Singh, son of Late Karan Prasad Singh.
 10. Gajendra Narayan Singh, son of Late Jagdish Prasad Singh.
 11. Dharendra Kumar Singh, son of Late Jagdish Prasad Singh.
 12. Jitendra Kumar Singh, son of Late Jagdish Prasad Singh.
 13. Haldhar Prasad Singh, son of Late Surya Narayan Singh.
 14. Chakradhar Prasad Singh, son of Late Surya Narayan Singh.
- All resident of Naya Nagar, P.S. Udakishunganj, District- Madhepura

..... Respondents

CORAM: HONOURABLE MR. JUSTICE V.N. SINHA
ORAL ORDER

2 12-12-2012

Heard learned counsel for the petitioner and the State.

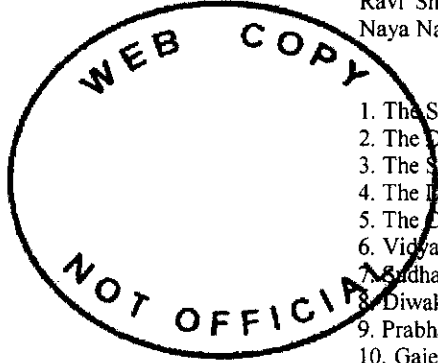
2. This writ petition has been filed for a direction to Deputy Collector Land Reforms, Udakishunganj to ensure compliance of his own order dated 25.5.2010 passed in Encroachment Case No. 03/2010-11 (Annexure-1).

3. This Court is not the executing court of the orders passed by the Deputy Collector Land Reforms under Public Encroachment Act. Deputy Collector Land Reforms being a public authority, it is his duty to ensure compliance of his own order. Let petitioner approach Deputy Collector Land Reforms concerned who should ensure compliance of his own order within reasonable time.

4. The writ petition is, accordingly, disposed of.

P.K.P.

(V.N. Sinha, J)



Annexure - 2

(11)

From,

Ravi Shankar Singh,
S/o, Late Ram Chandra Singh,
Resident of Village+P.O-Naya Nagar,
P.S - Udakishunganj, District- Madhepura.

To,

The Deputy Collector Land,
Reform, Udakishunganj,
Madhepura.

Sub.:- CWJC No. 22768/2012, Ravi Shankar Singh Versus The State of Bihar.

Sir,

It is stated that on my complaint an Encroachment Case No. 3/2010-11 was started by you and order dated 25.05.2010 the Encroachment was Found on Public Road.

Since more than two years elapsed encroachment has not been removed hence, I have been compelled to knock the door of Hon'ble High Court in CWJC No. 22768 of 2012. By order dated 12-12-2012, this Hon'ble Court has directed to approach the DCLR who should ensure compliance of his own order. (Copy enclosed)

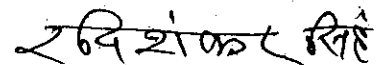
In this view of the matter you are hereby requested and called upon to ensure the compliance of your own order as well as order of Hon'ble Court.

Your's faithfully



(Ravi Shankar Singh)

Copy to:- (1) Revenue Secretary, Bihar, Patna.
(2) D.M., Madhepura. /Commissioner, Saharsa
(3) Additional Collector, Madhepura For implementation of the order of the Hon'ble Court.



(Ravi Shankar Singh)