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27/02/15

IN THE HIGH COURT OF JUDICATURE AT PATNA
(Miscellaneous judicial Jurisdiction)

M.J.C. No. _____ of 2015 (Contempt)

(Arising out of C.W.J.C.No.20474/2013)

Saiyad Sah Nayyar Hussain.Petitioner.

Versus

The State of Bihar & others. Opposite Parties.

Subject:- Contempt matter.

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Saiyad Sah Nayyar Hussain.Petitioner.

Versus

The State of Bihar & others.Opposite Parties.

SYNOPSIS.

That this contempt petition is being filed against opposite party No.4, (Additional Collector Madhepura) for his non-compliance of the order dated 23.04.2014 passed in C.W.J.C.No.20474/2013 by Hon'ble Mr. Justice Navaniti Prasad Singh. Petitioner filed C.W.J.C.No.20474 if 2013 in this Hon'ble Court for disposal of Land Ceiling Case No.20/1992-93 pending before opposite party No.4 (Additional Collector, Madhepura).

Hon'ble High Court after hearing the Parties in C.W.J.C. No.20474/2013 and by order dated 23.04.2014

directed the opposite party No.4 to dispose off the said Ceiling Case No.20/1992-93 within 3 months.

That about one year is going to pass but till date no final order has been passed in land Ceiling Case No.20/1992-93 by opposite party No.4.

Hence this contempt petition.

Versus

1. The State of Bihar.
2. Mr. Sanjeev Kumar Sinha, Member, Board of Revenue, Bihar, Patna.
3. Gopal Mina, Collector, District- Madhepura (Madhepura).
4. Abrar Ahmad, Additional Collector, Madhepura.
5. Bibi Ozera Khatoon, Daughter of Late Saiyad Sah Kamar Hussain, Resident of village- Murulahpur (Yogiraj), P.S.- Puraini, District- Madhepura.
6. Bibi Suraya Khatoon, Daughter of Late Saiyad Sah Kamar Hussain, Resident of village- Nurulahpur (Yogiraj), P.S.- Puraini, District- Madhepura.

.....Opposite Parties.

To,

The Hon'ble Mr. Justice L. Narasimha Reddy, the Chief Justice of the High Court of Judicature at Patna and His 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 against opposite party No.4, (Additional Collector Madhepura) for his non-compliance of the order dated 23.04.2014 passed in C.W.J.C.No.20474/2013 by Hon'ble Mr. Justice Navaniti Prasad Singh
2. That petitioner had filed C.W.J.C.No.20474 of 2013 in this Hon'ble Court for giving direction to Additional Collector, Madhepura (opposite party No.4) to dispose off the land Ceiling Case No.20/1992-93 earlier numbered as 289/534 of 1973-74 which has been pending before him for last several years but no final order has been passed even after conclusion of pleading and arguments of the parties.

3. That Hon'ble Court after hearing the parties in C.W.J.C.No.20474 of 2013 and by order dated 23.04.2014 was pleased to dispose off the case with following direction.

“Having considered the matter in my view, if the proceeding, pursuant to orders of the Board of Revenue, has not been concluded as yet, the Additional Collector would be well advised to take up the proceeding and after hearing the parties dispose of the same in accordance with law at the earliest preferably within 3 months from the date of receipt of a copy of this order, the responsibility where of shall be on the Additional Collector aforesaid”.

A true photocopy/certified copy of order dated 23.04.2014 passed in C.W.J.C.No.20474 of 2013 is annexed herewith and marked as Annexure-1 to this petition.

4. That petitioner along with the aforesaid order appeared before the opposite party No.4 (Additional Collector, Madhepura) and prayed for early disposal of the said case in the light of the order of this Hon'ble Court (Annexure1).
5. That even after specific direction of this Hon'ble Court, no final order has been passed in Land Ceiling Case No.20/1992-93 by opposite party No.4 till date.
6. That firstly as Land Ceiling Case No.20/1992-93 was pending before opposite party No.4 for last several years and because of that petitioner approached this Hon'ble Court.
7. That it is further stated that Hon'ble Court by its order dated 23.04.2014 (Annexure-1) gave a direction to opposite party No.4 to dispose off the Land Ceiling Case No.20/1992-93 within 3 months whereas about 1 year is going to pass but till date no final order has been passed.



Affidavit.

Saiyad Sah Nayyar Hussain, aged about 62 years, Son of Late Saiyad Sah Kamar Hussain, Resident of village-Nurulahpur (Yogiraj), P.S.- Puraini, District- Madhepura, do here by solemnly affirm and state as follows:-

1. I am petitioner in this case and as such I am well acquainted with the facts and circumstances of the case.
2. That the contents of this petition have been read over and explained to me, which I have understood.
3. That the statements made in para nos. 2, 4, & 12, are true to my knowledge and those made in para nos. 3, 5, 7, 8, are true to my information and derived from the records and rest are by way of submission to this Hon'ble Court.
4. That the Annexures are true/Photocopy of its respective originals.

Annexure I

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 20474 of 2013

Saiyad Sah Nayair Hussain S/O Late Saiyad Sah Kamar Hussain Resident
Of Village Nurulahpur (Yogiraj) P.S. Puraini District Madhepura

..... Petitioner/s

Versus

1. The State Of Bihar
2. Member, Board of Revenue, Bihar, Patna
3. The Collector, District Madhepura, (Madhepura)
4. Additional Collector, Madhepura
5. Bibi Ozera Khatoon D/O Late Saiyad Sah Kamar Hussain Resident of
Village Nurulahpur (Yogiraj) P.S. Puraini District- Madhepura
6. Bibi Suraya Khatoon D/O Late Saiyad Sah Kamar Hussain Resident of
Village Nurulahpur (Yogiraj) P.S. Puraini District Madhepura

..... Respondent/s

Appearance :

For the Petitioner/s : Mr Ravi Kumar, Advocate

For the State : Mr Alok Ranjan, AC to GA 13

CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL ORDER

2 23-04-2014

With consent of parties, this writ petition is being disposed of at this stage itself in view of the limited relief sought for by the petitioner.

It appears that a land ceiling proceeding was initiated against the mother of the petitioner. The matter ultimately travelled to the Board of Revenue in Case No 199 of 1993. The learned Additional Member, Board of Revenue, by order dated 30.12.1996, set aside the orders and remanded the matter to the Additional Collector for a de novo consideration. Accordingly,

COPY

the order passed by the Additional Collector, Madhepura on 29.03.1993 in Land Ceiling Case No 20 of 1992-1993 was set aside.

Learned counsel for the petitioner submits that since 1996, the matter has been pending at the office of Additional Collector. Written arguments have been filed. Parties have appeared but the matter is not progressing. The only relief he seeks from this Court is a direction to the Additional Collector, Madhepura to dispose of the proceeding in accordance with law, as directed by the Additional Member, Board of Revenue.

Having considered the matter, in my view, if the proceeding, pursuant to orders of the Board of Revenue, has not been concluded as yet, the Additional Collector would be well advised to take up the proceedings and, after hearing the parties, dispose of the same in accordance with law at the earliest preferably within three months from the date of receipt of a copy of this order, the responsibility whereof shall be on the Additional Collector aforesaid.

With this observation, this application stands disposed

of.

M.E.H./-

Sch (Navaniti Prasad Singh, J)

RECEIVED AT THE PATNA COURT
ALL SET BY
30.4.14
Patna High Court
Dated 11/4/14

Lawrence
30.4.2014
22/3

8. That in the Land Ceiling Case No.20/1992-93 pending before opposite party No.4 only repeated dates and adjournments are being given and no action to dispose off the case is being taken although pleading and arguments of the parties in the said case have been completed long back.
9. That inaction of opposite party No.4 only goes to show that he has got no regard of the order of the Hon'ble Court.
10. That there is deliberate and willful violation by opposite party No.4 (Additional Collector Madhepura) of order dated 23.04.2014 passed in C.W.J.C.No.20474/2013 by this Hon'ble Court.
11. That opposite party No.4 should be suitably punished for his contemptuous act of non-compliance of order of this Hon'ble Court.
12. That no other petition for similar relief has been filed by petitioner in this Hon'ble Court.

It is therefore prayed that Your Lordships may graciously be pleased to issue notice to opposite party No.4 to show-cause for initiating a contempt proceeding against him and suitably punish him for his willful and deliberate violation and non-compliance of order passed by this Hon'ble Court.

And/or

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

And for this the petitioner shall ever pray.

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(Arising out of C.W.J.C.No.20474/2013)

In the matter of an
Application under Article
215 of the Constitution of
India read with Section
12 of contempt of Court
Act.

And

In the matter of:-

Saiyad Sah Nayyar Hussain, Son of Late Saiyad Sah
Kamar Hussain, Resident of village- Nurulahpur (Yogiraj),
P.S.- Puraini, District- Madhepura.

.....Petitioner.

Through :
Bani Kumar
(Advocate)
A.O.R.No.0353
27.2.2015