



2025:PATHC:110821

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3141 of 2025

In

Civil Writ Jurisdiction Case No.6634 of 2017

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1. Hemant Kumar
 2. Mani Bhushan Kumar
 3. Ashwani Prasad
All are Sons of Bishwanath Prasad Resident of Village- Sundarpur
Kharoana, P.O. Mahuaria, P.S. Sheohar, District Sheohar

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shri Dipak Kumar Singh Father's name not known to the petitioner
Additional Chief Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna
3. Father's name not known to the petitioner the Commissioner, Tirhut
Division, Muzaffarpur
4. Father's name not known to the petitioner the Collector, Sheohar
5. Shri Shailesh Kumar Sinha Father's name not known to the petitioner the
Superintendent of Police, Sheohar
6. Shri Sachin Kumar Father's name not known to the petitioner the Deputy
Collector Land Reforms, Sheohar
7. Ms. Anamika Kumari Husband/Father's name not known to the petitioner
the Circle Officer, Sheohar
8. Shri Randhir Kumar Singh Father's name not known to the petitioner
Officer-in-Charge, Sheohar Police Station, Sheohar
9. Umesh Ram Son of Shiv Shankar Ram Resident of Village- Sundarpur
Kharoana, P.O. Mahuaria, P.S. Sheohar, District- Sheohar
10. Bigu Ram Son of Shiv Shankar Ram Resident of Village- Sundarpur
Kharoana, P.O. Mahuaria, P.S. Sheohar, District- Sheohar
11. Chhotelal Ram Son of Shiv Shankar Ram Resident of Village- Sundarpur
Kharoana, P.O. Mahuaria, P.S. Sheohar, District- Sheohar
12. Ganesh Ram Son of Late Kapildeo Ram Resident of Village- Sundarpur
Kharoana, P.O. Mahuaria, P.S. Sheohar, District- Sheohar
13. Nemi Chand Ram Son of Late Kapildeo Ram Resident of Village-
Sundarpur Kharoana, P.O. Mahuaria, P.S. Sheohar, District- Sheohar
14. Nandu Ram Son of Late Kapildeo Ram Resident of Village- Sundarpur
Kharoana, P.O. Mahuaria, P.S. Sheohar, District- Sheohar
15. Harischandra Ram Son of Late Kapildeo Ram Resident of Village-
Sundarpur Kharoana, P.O. Mahuaria, P.S. Sheohar, District- Sheohar
16. Suresh Ram Son of Late Kapildeo Ram Resident of Village- Sundarpur
Kharoana, P.O. Mahuaria, P.S. Sheohar, District- Sheohar





... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Adv.
For the Opposite Party/s : Mr. Standing Counsel 15

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 12-12-2025 Heard learned counsel for the petitioners and learned
counsel appearing for opposite parties.

2. This application has been filed on behalf of the
petitioners for initiation of a contempt proceeding against the
opposite parties alleging willful and deliberate disobedience of
the order dated 11.07.2025 passed in CWJC No.6634 of 2017
whereby and whereunder the following direction was given:

“6. This Court proposes to dispose of this writ application in terms of the aforesaid statement made by respondent nos. 3, 5 and 6 in paragraph 17 of their counter affidavit and it is specifically directed that if the encroachment from the petitioners’ land has not been removed as prayed for in the present writ application, then the same shall be removed as soon as possible preferably within a period of one month from today and a video recording of the entire land should be done so that there remains no confusion in future with regard to status of encroachment. The video recording should be carried out in the presence of the petitioners.

7. With the aforesaid observation/direction, this writ application is disposed of. All pending





interlocutory application(s), if any, shall also be deemed to have been disposed of.”

3. Learned counsel appearing for the opposite parties submits that the order dated 11.07.2025 passed in CWJC No.6634 of 2017 stands fully complied and statement to this effect has been made in paragraph-8 of the show-cause, which is quoted herein below for needful:

“8 That it is humbly submitted that in presence of the petitioner the encroachment removed was from the petitioner's on land 17.11.2025 appertaining to khata no. 143 khesra no. 1567, 1573 and 1574 and Area 50 decimal Mauza Sunderpur Khaurana P.O. Mauhariya Thana Anchal Sheohar and report of whole process of encroachment removal and Dakhal-Dahaani upon which the petitioner has put his signature and in pursuant to the order of this Hon'ble court a video was recorded including the petitioner. Additionally in Sheohar Police Station, Station diary entry of this event has been done.”

4. Disputing the contention of the learned counsel appearing for the opposite parties, learned counsel appearing for the petitioners submits that the direction contained in the order dated 11.07.2025 passed in CWJC No.6634 of 2017 has not been fully complied as the ‘Pukka’ house still remains. In this regard, learned counsel for the petitioners refers to paragraph 14





to 18 of his reply to the show-cause submitted by the opposite parties, which is quoted herein below:

“14. That in reply to the statement made in paragraph no. 8, it is most humbly submitted that the opposite party no. 7 has stated half-truth and the direction of the Hon'ble High Court for removal of encroachment has not been complied in its true nature and spirit.

15. That the petitioner most humbly state and submit that the deputed Magistrate, Miss Pallavi Thakur along with Circle Officer, Sheohar (opposite party no. 7), Revenue Clerk, Md. Allauddin and Anchal Amin, Sonu Kumar visited at the encroached land at about 4 p.m. in the evening on 17.11.2025 and without completing their job obtained the signature of the petitioner no.1 after pressurizing to face its consequences.

16. That the petitioners further state and submit that in presence of the petitioner there was no measurement obtained by the opposite parties of the encroached land and the opposite parties along with their officials ignored the petitioners and the encroachers/ opposite parties threaten the petitioners that they will kill them and implicate in the criminal cases. The opposite parties there ignored the petitioners and avoid to provide the security while the encroachers caught the collar of the petitioners using filthy languages before them.

17. That the petitioners most humbly state and submit that in course of making video of the removal of encroachment they obtained the





signature of petitioner no. 1 and within an hour the opposite parties removed the half of the encroachment and left the debris there. After movement of the official respondents and the force, the encroachers given threatening to face dire consequences and on complaint the Circle Officer, Sheohar ignored the petitioners.

18. That the petitioners most humbly state and submit that the respondents/ opposite parties are avoiding to perform their statutory duty to comply directions of the Hon'ble Court dated 11.07.2025 in its true spirit and nature. Therefore, the petitioners seeks leave of this Hon'ble Court to produce the photographs of the removal of encroachment of the subjected land here.

Photographs of the subjected land annexed herewith and marked as Annexure- P/3 to this affidavit."

5. Refuting the contention of the learned counsel appearing for the petitioner, learned counsel for opposite parties submits that on 17.11.2025 when the encroachment was being removed, the petitioner no.1, Hemant Kumar was himself personally present and he has signed on the spot report prepared on 17.11.2025 (Annexure-R/5) as proof of the fact that in his presence the encroachments were removed and the order of this Court passed in writ has been complied with.

6. Learned counsel appearing for the petitioner does not dispute the signature of petitioner no.1, Hemant Kumar at





serial no.1 of the report dated 17.11.2025 (Annexure-R/5).

7. Learned counsel for the petitioners although submits that the petitioner no.1, Hemant Kumar was present and has put his signature on the spot report dated 17.11.2025, but he says that it was obtained by coercion and that the entire encroachment has still not been removed.

8. On careful consideration all the submissions made by both the sides, this Court is of the view that the inspection report prepared on 17.11.2025 (Annexure-R/5) since bears the signature of the petitioner no.1, Hemant Kumar and there is nothing to indicate that it was obtained under coercion or any kind of protest letter was given immediately thereafter, therefore it will not be inappropriate to come to the conclusion that the order dated 11.07.2025 passed in CWJC No.6634 of 2017 stands complied with. Accordingly, the present application stands disposed of.

(Alok Kumar Sinha, J)

Prakash Narayan

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