

Arjun Prasad Jaiswal @ Arjun Prasad and ors. Vs. the State of Bihar and ors.

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Court : Patna

Decided On : May-12-2012

Appellant : Arjun Prasad Jaiswal @ Arjun Prasad and ors.

Respondent : The State of Bihar and ors.

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Miscellaneous Jurisdiction
Case No. 1422 o

1. Arjun Prasad Jaiswal @ Arjun Prasad, S/o Baleshwar Prasad Jaiswal.
2. Sunil Prasad Jaiswal, S/o Dinanath Jaiswal.
3. Ratan Gandhi, S/o Bharat Prasad Sinha. All resident of Mauja-Harnaut, P.S.-Harnaut, District-Nalanda.
4. Bharat Prasad, S/o Baijnath Singh, resident of Village- Nehusa, P.S.-Harnaut, District-Nalanda.
5. Subhash Kumar, S/o Sheo Kumar Mahto, resident of village-Sultanpur, P.S.-Rahui, District-Nalanda.
6. Ashok Kumar, S/o Late Rajmani Singh, resident of Village-Harnaut, P.S.-Harnaut, District-Nalanda. Versus 1. The State of Bihar through the Chief Secretary, Mr. Anup Mukherji, Govt. of Bihar, Patna.

2. Mr. S.K. Negi, S/o not known to the petitioners, Secretary, Co-operative Department, Govt. of Bihar, Patna.

3. Mr. Narsingh Upadhyay, Son of not known to the petitioners, Registrar, Co-operative, Govt. of Bihar, Patna.

4. Mr. Anirudh Singh, S/o not known to the petitioners, Managing Director, BISCOUMUN, West Gandhi Maidan, Patna.

5. Mr. Balmiki Prasad Sharma, S/o not known to the petitioners, Regional Officer, BISCOUMAUN, Bihar Sharif, District-Nalanda.

6. Mr. Sanjay Kumar Agarwal, S/o not known to the petitioners, Collector, Nalanda at Bihar Sharif. ----- 07. 12.01.2012 The petitioners have sought initiation of contempt against the Opposite Parties for having violated of this Courts order dated 17.05.2007 in Misc. Appeal No. 577/04 by which the respondents were restrained from dispossessing the appellants from the suit property and dismantling their shops till the disposal of the suit. However, there was a clause to this absolute order by which it was noted that this order would have no bearing in any suit or proceeding brought by the respondents to 2 evict the appellants in accordance with law. The Opposite Parties No. 4 and 6 have filed a show-cause and in paragraph 3 it has been stated that the petitioners have neither been dispossessed nor their shops have been dismantled and they are in occupation of their shops. The specific assertion was that the petitioners continued to be in possession of the shops and thus the order of this Court has not been flouted. The petitioners counsel after the stand of the Opposite Parties 4 and 6 does not intent to press the application any further and only proposes that an observation to this effect be made that it is the stand of the Opposite Parties 4 and 6 that the petitioners have not been dispossessed from the suit properties. In view of such, the application is disposed off in terms of the earlier order passed by this Court. (Anjana Prakash, J.) Vikash/-