

Shobha Nand Jha and Others Vs The State of Bihar and Others

Court: Patna High Court

Date of Decision: Nov. 21, 2007

Citation: (2008) 1 PLJR 696

Hon'ble Judges: Shiva Kirti Singh, J

Bench: Single Bench

Judgement

@JUDGMENTTAG-ORDER

Shiva Kirti Singh, J.

Heard the parties. For the present this Court is primarily concerned with the contempt matter pending vide MJC No.

1808/2002. Earlier this Court noticed all the relevant facts and found substance in the stand of the petitioners that the S.D.O., Madhubani could

not have proceeded to declare some of the lands in respect of some branches of the family to be surplus when a stay order in respect of the lands

of the larger family had been passed in the pending Writ Petition bearing CWJC No. 3575/1997. From the records of the aforesaid Writ Petition

of 1997 it appears that interim order was passed on 3.6.1997 and it continued to be operative even after the Writ Petition was admitted for

hearing on 23.7.1997.

2. The S.D.O., Madhubani had appeared before this Court and realizing the mistake in proceeding with part of the lands during the pendency of

the Writ Petition and during the operation of interim order, it was submitted before this Court that all the offending orders passed by him in

ignorance/disregard of the interim order of stay of this Court shall be withdrawn or nullified by him. It appears from Annexure-A to the

supplementary show cause of O.P. No. 3, S.D.O. that now he has passed orders to withdraw all his orders passed in teeth of interim order of stay

in the pending CWJC No. 3575 of 1997. It appears that for denotifying various notifications already issued pursuant to such recalled orders, the

records have been sent to the District Collector, Madhubani. It is expected that the District Collector, Madhubani shall act in accordance with law

and authorize issuance of notification so that earlier notifications may stand denotified. This should be done expeditiously and preferably within

three months from today,

3. It is made clear that this order or the earlier orders passed in contempt matter shall not prejudice the case of either of the parties when the Writ

Petition CWJC No. 3575/1997 is taken up and decided on merits.

4. It will be open to the petitioners to move this Court again, if the concerned notifications are not denotified within a reasonable period.

5. So far as the related Writ Petitions are concerned, in view of the fact that impugned orders have already been withdrawn by the S.D.O.,

Madhubani on account of contempt petition, the Writ Petitions have become infructuous and learned counsel for the petitioners, therefore does not

press these Writ Petitions. Hence, all these three matters stand finally disposed of.

6. It goes without saying that if the private respondents are aggrieved by the interim order passed in CWJC No. 3575/1997, they would be at

liberty to seek relief in accordance with law. Let a copy of this order be given to learned SC-2.