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**(2007) 11 PAT CK 0112**

**Patna High Court**

**Case No:** CWJC No. 14542 of 2003; 379 of 2004 with MJC No. 1808 of 2002

Shobha Nand Jha and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

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**Date of Decision:** Nov. 21, 2007

**Citation:** (2008) 1 PLJR 696

**Hon'ble Judges:** Shiva Kirti Singh, J

**Bench:** Single Bench

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### **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that all the offending orders passed by him in ignorance/disregard of the interim order of stay of this Court shall be withdrawn or nullified by him.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.