

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.186 of 2013

IN

LPA 135 of 1998

Patna Municipal Corporation, Patna through its Municipal Commissioner, Patna
Municipal Corporation, having its Office at Maurya Lok Complex, Baily Road,
Patna. Petitioner/Respondent.

Versus

1. Sri Krishn Kumar Singh and others.
2. The State of Bihar and others. Respondents/Respondents.

Appearance :

For the Petitioner : Mr. Y.V. Giri, Sr. Adv.

Mr. Ranjeet Kumar Pandey, Adv.

For the Respondents : M/s Alok Kumar Sinha, Sr. Adv. with Bhola Kumar,
Sudhir Kumar Bijpuria and Ashish Sinha, Advocates.

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 11-05-2015

This farcical and ridiculous review application has been filed only to avoid contempt proceedings. The Letters Patent Appeal was allowed by the Division Bench as far back as on 09.10.2007 noticing the dastardly manner in which the then Patna Regional Development Authority (PRDA), without authority of law, literally bulldozed shops destroying not only the shops but all that was contained therein. As a consequence of this dastardly act, this Court, after considering all the pros and cons, directed, on 09.10.2007, that all those persons, whose shops have been bulldozed unauthorisedly in this brazen manner, not only be compensated immediately by payment of Rs.2 lakhs each but also

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gave them right to reconstruct upon the said land their shops as was existing. This was done considering the history of the settlement in great details that they were allowed to continue to live upon it till they were to be rehabilitated. They were allowed to adjust the construction expense from the licence fee they were required to pay in respect of the land they were occupying when they were bulldozed. Notwithstanding this brazen infringement of rights by the might of State, they had the audacity to file an appeal before the Apex Court to deny whatever little this Court had given as a compensation and protection to the citizens against the might of the State. The Special Leave Petition, after giving several chances to the Patna Municipal Corporation and the State to settle the matter, was dismissed by judgment and order dated 19.10.2010 by the Apex Court. What is not stated in this review application is that they moved the Apex Court for review which was also dismissed on 26.06.2011.

Thereafter, the writ petitioners, who were appellants in the Letters Patent Appeal and were respondents before the Apex Court, filed before Apex Court, an application for initiating contempt proceedings being Contempt Petition (C) No.358 of 2011 which was permitted to be withdrawn with liberty to move the High Court by order dated 23.09.2011. It was pursuant to the

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aforesaid that a contempt proceeding being M.J.C. No.5238 of 2011 was instituted before this Court. Faced with these contempt proceedings and faced with a fait accompli with the order of the Letters Patent Appeal Bench as the same had attained finality inter-party, in order to avoid consequences, this review application on behalf of Patna Municipal Corporation (hereinafter in short as 'Corporation') alone has been filed on 01.05.2013 i.e. six years after the matter was decided by this Court, three years after the Corporation's appeal was dismissed by the Apex Court and two years after the review application was dismissed by the Apex Court. If this is not mala fide then we fail to see what else would be mala fide?

It is not that in 2013, the Corporation suddenly came to know that lands vanished from their possession. It is not that there has been change in the situation since the judgment of the Apex Court or the dismissal of their review application before the Apex Court. It has not suddenly come upon them. The Apex Court repeatedly asked the Corporation to find suitable site as an alternative but the Courts were stonewalled and now they again want that whatever little that the citizens had got from this Court be taken away from them. This is totally unacceptable. We may also point out that though the payments were to be made pursuant

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to orders of this Court as far back as in 2007 but on one pretence or the other or on one pretext or the other the Corporation denied the fruits of the judgment as long as they could forgetting that they were State and bound by Article-14 and they should do what was legitimately required from them. They abused their power. The first payment and that too in part was made in the year 2011 i.e. after five years of the judgment. Up till now, out of the 16 petitioners, only 14 petitioners have been given their full compensation. Because of the inordinate delay two of the appellants died and now their dependents, already having lost their livelihood, are running from pillar to post to get succession certificate. Why? Because the Corporation slept and refused to comply this Court's order in time. It is not mala fide then what else is mala fide. It is only to get over these inconvenient situations that this misconceived and not a bona fide review application was belatedly filed after six years.

Accordingly, this review application merits no consideration and is dismissed.

(Navaniti Prasad Singh, J.)

(Rajendra Kumar Mishra, J.)

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