

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.5055 of 2013

IN

Civil Writ Jurisdiction Case No. 15130 of 2011

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Shivendra Kumar, son of Late Srideo Mishra, Plot No. M/44, Sri Krishna Nagar,
P.O. Kidwaipuri, P.S. Budha Colony, District Patna.

.... Petitioner.

Versus

1. The State of Bihar through The Chief Secretary, Bihar, Patna, namely Sri Ashok Kumar Sinha.
2. Shri S. Siddharth, the Principal Secretary, Urban Development and Housing Department, Old Secretariat Building, Bailey Road, Government of Bihar, Patna.
3. The Bihar State Housing Board through the Managing Director (namely Sri Anupam Suman), Bihar State Housing Board, 6, Sardar Patel Marg, Patna- 16.
4. Sri Anupam Suman, the Managing Director, Bihar State Housing Board, 6, Sardar Patel Marg, Patna- 16.
5. Sri Sunil Kumar Pandey, the Estate Officer, Bihar State Housing Board, 6, Sardar Patel Marg, Patna- 16.
6. Sri Ashok Kumar Sinha, the (Incharge) Executive Engineer, Patna Division- 2, Bihar State Housing Board, 6, Sardar Patel Marg, Patna- 16 (at present posted as Executive Engineer, Patna Division No. 3, Bihar State Housing Board, 6, Sardar Patel Marg, Patna- 16

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr. Piyush Lall, Advocate.

For the State : M/s. Sunil Kumar Mandal, SC-24 and Arjun Prasad, AC
to SC-24.

For the Bihar State : Mr. Rabindra Kumar Priyadarshi, Advocate.
Housing Board

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT

Date: 19-02-2015

The present contempt application has been filed asserting
the non compliance of the order dated 23.03.2012 passed in C.W.J.C.
No.15130 of 2011.

2. Learned counsel appearing on behalf of the Bihar State



Housing Board (opposite party nos.3 to 6) submits that the order dated 23.03.2012 passed in C.W.J.C. No.15130 of 2011, which is under contempt, has not been disputed by the opposite parties concerned rather the petitioner has completed his construction (G+4) over the allotted plot and finished the work, as detailed in paragraph-9 to the show cause dated 15th of October, 2014 filed on behalf of the opposite party nos.3 to 6.

3. Learned counsel appearing on behalf of the petitioner submits that after passing of the order dated 23.03.2012 in C.W.J.C. No.15130 of 2011, the Executive Engineer, Patna Division-2 (opposite party no.6), has filed a written application to the Officer Incharge, Budha Colony Police Station vide letter no.293 against the petitioner on 16.07.2013, on the basis of which Budha Colony P.S. Case No.128 of 2013 under Sections 447 and 420 of the Indian Penal Code was instituted against the petitioner, which is under investigation.

4. Learned counsel appearing on behalf of the Bihar State Housing Board, Patna, submits that due to misunderstanding opposite party no.6 sent the letter no.293 dated 16.07.2013 to the Officer Incharge, P.S. Budha Colony, Patna, on which basis Budha Colony P.S. Case No.128 of 2013 was lodged but later on, after realizing the mistake, the opposite party no.6 informed the Officer

Incharge of Budha Colony Police Station vide Memo No.612 dated 30.09.2014 for withdrawl of letter no.293 dated 16.07.2013 on the basis of which the aforesaid Buddha Colony Police Station Case was lodged against the petitioner as the opposite party no.6 does not want to pursue the aforesaid criminal case and it is upon the investigating agency to submit the final form on the basis of the letter issued by the opposite party no.6 to withdraw the case.

5. Having regard to the facts and the circumstances of the case and considering the submission of the parties, I do not find any reason to proceed with this contempt application further. Accordingly, this contempt application stands disposed of.

(Rajendra Kumar Mishra, J)

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