

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2027 of 2014

In

Civil Writ Jurisdiction Case No. 6551 of 2010

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Manoj Kumar son of Late Mahabir Mandal, resident of village- Kushapur,
P.O.- Shobhanathpur, P.S.- Kahalgaon, District - Bhagalpur

.... Petitioner/s

Versus

1. Sri Prashant Kumar Mahapatra the Chief Personnel Manager National Thermal Power Corporation Ltd. Kahalgaon Super Thermal Power Project, P.O.- Kahalgaon, District -Bhagalpur
2. The State of Bihar through District Magistrate, Bhagalpur, District - Bhagalpur namely Sr. B. Karikey
3. Sri Ravi Ranjan Singh, the Special Land Acquisition Officer, Bhagalpur, District-Bhagalpur
4. Shams Javed Ansari, the Sub Divisional Officer (Sadar), Bhagalpur, District - Bhagalpur
5. Chandra Chandrashekha Singh, the Director Rural Development Agency, Bhagalpur, District-Bhagalpur
6. Sri Subir Ranjan, the Land Reform Deputy Collector, Bhagalpur, District - Bhagalpur

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Dhananjay Kumar Gupta, Advocate
For the NTPC : Mr. Anil Kr. Sinha, Advocate
Mr. Ankit Katriar, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 01-07-2015 This application has been filed for drawing contempt proceedings against the opposite parties for willful disobedience of the judgment and order passed by this Court in CWJC No. 6551 of 2010. The order passed by the Writ Court is present at Annexure-1 and this Court while disposing the writ petition has affirmed the right of the petitioner for consideration against a post reserved for land oustees as and when a public notice /



advertisement is issued by the respondent Corporation in this regard pursuant to the Division Bench judgment in LPA No. 1878 of 2010. Neither there is any statement made in the contempt application nor there is anything on record to demonstrate whether any advertisement was issued by the Corporation subsequent to the order dated 26.9.2011 passed in the writ proceedings and thus no case for drawing contempt proceedings is made out.

A show cause has been filed on behalf of the National Thermal Power Corporation ('N.T.P.C. for the sake of brevity') and Mr. Ankit Katriar learned Junior counsel to Mr. Anil Kumar Sinha representing the Corporation submits that the order of this Court in the writ proceedings was in the light of the directions issued by the Division Bench in Letters Patent Appeal No. 1878 of 2010 and analogous cases which were disposed of by a common judgment and order dated 12.9.2011. He further submits that the Division Bench had issued directions to the Corporation to issue fresh advertisement giving liberty to the land oustees to file their application. It is submitted that the judgment and order of the Division Bench was appealed against by the Corporation in S.L.P. (Civil) No. 31026 of 2011 and analogous cases in which leave was granted and was registered as Civil Appeal No. 8487 of 2014 and analogous cases. He submits that the Supreme Court vide



judgment and order passed on 5.9.2014 in paragraph-17 has set aside the directions of the High Court in respect of initiation of fresh selection process. He thus submits that the cause of action whatsoever for the petitioner arising from the order passed by the writ Court stands eclipsed by the judgment and order of the Supreme Court. He however submits that independent of such position, an advertisement has been issued by the Corporation in February, 2015 and the petitioner has responded to the said advertisement. He further submits that this advertisement is nowhere connected with the directions issued by the Division Bench rather it is an independent action undertaken by the Corporation to fill up the vacancy. He submits that the petitioner having responded to the advertisement, his case would be considered on its own merit and would be disposed of.

In view of the show cause filed by the Corporation and the submissions of Mr. Katriar, there remains no cause of action for the petitioner to pursue the present contempt proceedings which has lost its force by virtue of the judgment of the Supreme Court and is disposed of accordingly.

(Jyoti Saran, J)

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