

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.415 of 2015

In

Civil Writ Jurisdiction Case No. 16170 of 2012

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Shekhar Sharan Srivastava son of Late Kameshwar Prasad Srivastava,
resident of Mohalla- Arya Samaj Road, P.S. Ocktenganj 'Balial), District-
Balial (U.P.) at present posted as Mukhya Nagar Nivishak, Patna

.... Petitioner/s

Versus

1. The State of Bihar through Mr. Harjott Kaur, Principal Secretary, Road
Construction Department, Govt. of Bihar, Patna
2. Mr. Harjott Kaur, The Secretary, Road Construction Department, Govt.
of Bihar, Patna
3. Mr. B. Rajendra, The Secretary, Urban & Housing Development
Department, Govt. of Bihar, Patna
4. Mr. Sudhanshu Sharma, The Commissioner, Muzaffarpur Municipal
Corporation, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shri Krishna Sinha

For the Respondent/s : Mr. Kumari Amrita

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 16-09-2015 Heard Mr. S.P. Srivastava, the learned counsel

appearing on behalf of the petitioner and the learned counsel

appearing on behalf of the opposite parties.

This petition has been filed praying for initiation of a
contempt proceeding against the respondents for deliberate
violation of the order dated 26.06.2014 by which the prayer of the
petitioner to file representation for redressal of his grievances
before the appropriate authority was allowed with further direction

to the said authority to dispose of the said representation by a reasoned order in case the representation was filed within a period of one week.

On behalf of the petitioner, it has been contended that though the representation was filed on 11.07.2014 within a week after receiving the certified copy of the order dated 26.06.2014 of C.W.J.C. No. 16170 of 2012 but no order has been passed on the said representation. It has, however, been also submitted by the learned counsel for the petitioner that by way of caution, another representation has also been filed by the petitioner before the Principle Secretary, Urban and Housing Development Department, Government of Bihar.

It appears from the show cause filed on behalf of the opposite party nos. 1 and 2 that the representation filed by the petitioner on 11.07.2014 before the Principal Secretary, Road Construction Department, Government of Bihar, Patna has been disposed of on 02.09.2014. However, the grievance of the petitioner is that the respondent no. 3 is proper authority who shall consider and dispose of the representation filed for redressal of his grievance.

The learned counsel for the opposite parties, by referring to the averments made in the show cause, has pointed out



that the petitioner has filed representations dated 27.03.2015 and 17.04.2015 before the Principal Secretary, Urban and Housing Development Department, Government of Bihar, Patna and on the said petitions the notice was issued to the petitioner on 11.05.2015 (Annexure-c) to appear personally for hearing but the petitioner did not appear on that date. It has been also submitted by the learned counsel for the opposite parties that no order has still been passed on those representations filed by the petitioner.

After considering the facts and circumstances of the case, this Court thinks it proper that the petitioner be directed to appear before the respondent no. 3 Principal Secretary, Urban and Housing Development Department who will grant an opportunity of hearing of the petitioner and dispose of his representation dated 11.07.2014, 27.03.2015 and 17.04.2015 by a reasoned order. The learned counsel for the petitioner has accepted that the petitioner will appear before the said authority to make his submissions.

Accordingly, this application is disposed of with direction to the petitioner to appear before the respondent no. 3 either on 30.09.2015 which date is suggested by the learned counsel for the opposite parties or on any other date fixed by the respondent no. 3 in his discretion after the appearance of the petitioner before him within a period of eight weeks from today

and the respondent no. 3 shall after grant opportunity of hearing to the petitioner dispose of the representations dated 11.07.2014, 27.03.2015 and 17.04.2015 preferably within a period of eight weeks after the date of the appearance of the petitioner.

The M.J.C. petition is, accordingly, disposed of with the aforesaid direction.

The petitioner is at liberty to file fresh copy of the representation which is claimed to have been filed on 11.07.2014 before the respondent no. 3, on the date fixed for his appearance.

(V. Nath, J)

Devendra/-

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