

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1132 of 2014

In
Civil Writ Jurisdiction Case No. 2070 of 2004

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Manik Sah Son of Prabhu Sah, resident of village - Panhas, P.S.- Begusarai
(Muffasil), District- Begusarai.

.... Petitioner/s

Versus

1. The Administrator, Mr. Dr. B. Rajinder, Dissolved Bihar State Agriculture Product Marketing Board, Patna, Pant Bhawan, Bailey Road, Patna
2. The Sub-Divisional Officer, Cum Special Officer Mr. Satya Prakash Mishra, Dissolved Agriculture Produce Market Committee, Begusarai, P.S. and District- Begusarai.
3. The State of Bihar through its Managing Director, Bihar State Marketing Board, Agriculture, Mr. Dr. B. Rajinder.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nakul Kumar Jamuar

For the Respondent/s : Mr. S.A. Alam

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 27-11-2015 Heard learned counsel for the petitioner and

learned counsel for the respondents.

In this case, the petitioner is making prayer for
initiation of contempt proceeding.

As complain has been made that the authority,
while passing Office Order no. 21 dated 07/03/2015, has not
passed the order in terms of the order passed by this Court in
CWJC No. 2070 of 2004, it will be relevant to quote the
operative portion of the order which is as follows:-

“Considering the averments made by
learned counsel for the parties, specially the



various decisions of this Court including the one discussed above, this writ petition is disposed of with a liberty to the petitioners to approach the Administrator of the Board (respondent no.6) along with an application giving details of the facts and annexing relevant materials and decisions along with a copy of this order. If such an application is filed by the petitioners within three weeks from today, the said authority shall consider the same in accordance with the provisions of law as well as principle of law settled by the Apex Court as well as by various decisions of this Court, including the decision as named above and decide it by a speaking order within three months from the date of receipt/production of a copy of this order.”

In this case, while passing the reasoned order, the authority concerned has taken into consideration the order passed in CWJC No. 2070 of 2004 including the order passed by Hon’ble Supreme Court in Civil Appeal No. 2835/2014 and arrived to a conclusion that the appeal is not maintainable.

Counsel for the petitioner submits that this order is

not tune with the letter and spirit of the order passed in the writ application and the same is dehors to the observations given by this Court. As the authority has relied upon the judgment of the Hon'ble Supreme Court may be wrongly misconstrued, the same cannot be ground for initiation of contempt proceeding.

In such view of the matter, this Court does not find any basis for initiation of contempt proceeding. However, the liberty is given that the petitioner if so aggrieved, may take a legal recourse as available in law.

Accordingly, this petition is dismissed.

(Shivaji Pandey, J)

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