

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1806 of 2016

With
Interlocutory Application No.732 of 2016

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Om Prakash Ram, son of late Chhatu Ram, Resident of village and P.S. -
Teusa, P.O. - Atri, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Magadh Division, Gaya at Gaya.
2. The Collector, District - Gaya.
3. The S.D.O. Nimchak Bathani, District - Gaya.
4. Circle Officer, Atri, District - Gaya.
5. Sidheshwar Prasad, son of late Brahamdeo Narain, Resident of village and P.S. - Teusa, P.O. - Atri, District - Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rabindra Nath Verma, Adv.
For the Respondent nos.1to4	:	Mr. Din Bandhu Singh, GP-9
		Mr.Satyeshwar Prasad, AC to GP-9

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 29-03-2016 Heard learned counsel for the petitioner and learned
GP-9 appearing on behalf of the respondent nos.1 to 4.

The petitioner has filed the present writ petition with a prayer to recall the order dated 10.01.2008 passed in CWJC No.3221 of 2003 by a Bench of this Court, as contained in Annexure-1, whereby the aforesaid writ petition filed on behalf of the respondent no.5 was disposed of with certain directions. The petitioner, being aggrieved by that order, filed a review application before this Court giving rise to Civil Review No.21 of 2011 wherein the order passed by the Writ Court was sought to be reviewed. The aforesaid Civil Review No.21 of 2011 was heard and finally dismissed by an order dated 27.02.2013 (Annexure-3).

If the petitioner was at all aggrieved by and



dissatisfied with the aforesaid order dated 27.02.2013 (Annexure-3) dismissing the aforesaid civil review application, he could have assailed the aforesaid order in an appropriate higher forum/court, but he did not do so, and allowed the aforesaid order dated 27.02.2013 (Annexure-3) to attain its finality. Thereafter, the respondent no.5 filed MJC No.5323 of 2011 raising a grievance that the order dated 10.01.2008 (Annexure-1) passed by the Writ Court is not being implemented by the authorities concerned. The aforesaid MJC No.5323 of 2011 was adjourned by an order dated 16.12.2015 (Annexure-4) directing the respondent authorities to file their proper affidavits/show cause showing compliance of the order of the Writ Court. In the light of the aforesaid order, it appears that the original order of the Writ Court dated 10.01.2008 (Annexure-1) was implemented and in that view of the matter the aforesaid contempt petition vide MJC No.5323 of 2011 was finally disposed of by an order dated 13.01.2016, which has been brought on record as Annexure-6 to the supplementary affidavit filed on behalf of the petitioner. Thereafter the present writ petition has been filed on 25.01.2016 seeking recall of the order dated 10.01.2008 passed in CWJC No.3221 of 2003, as contained in Annexure-1 to the writ petition, as also for recall of the order dated 16.12.2015 passed in MJC No.5323 of 2011, as contained in Annexure-4 to the writ petition.

Evidently, the present writ petition is not only completely misconceived, rather it is an abuse of the process of the Court. Such misconceived and frivolous writ petition ought not to have been filed by the petitioner. This Court is of the opinion that the writ petition, being ill-advised, misconceived and frivolous one, should not simply be dismissed, but this is a fit case

in which heavy costs should be imposed upon the petitioner for unnecessarily burdening the High Court with most unwanted litigation.

Consequently, the writ petition is dismissed with costs of Rs.25,000/- (Rupees twenty five thousand). I.A.No.732 of 2016 stands accordingly disposed of. The respondent District Collector, Gaya is hereby directed to take appropriate steps for realization of the aforesaid costs of Rs.25,000/- from the petitioner, if the same is not deposited by him in the Government Treasury, Gaya within a period of one month from today.

The learned GP-9 shall communicate this order to the District Collector, Gaya for taking appropriate follow-up action.

(Birendra Prasad Verma, J)

Arvind/-

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