

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3624 of 2014

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Drigonmeshwar S/O Late Baidya Sitaram of Mohalla Harding Road Under Police
Station Sachivalya, Po - GPO, Town And District - Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Minority Welfare Department, Govt. Of Bihar, Patna
3. District Magistrate Cum-Collector, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Drigonmeshwar (in person)
For the Respondent/s : Mr. Uday Prasad, AC to GP 22

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 24-11-2016

Heard the petitioner who has appeared in person.

Despite opportunity being given to him he has not been able to explain his case. Factually, he submitted that despite the order of the Court earlier, his representation has not been considered. Such plea is at variance with what has been recorded by the Court in its order dated 04.01.2012 passed in M.J.C. No. 4944 of 2011, contained in Annexure 5, which mentions about compliance of the earlier order passed in the writ. Further, neither the said order has been brought on record nor is there any challenge to the said order. By the order passed earlier in the writ filed by him, being C.W.J.C. No. 10450 of 2010, the Court had only directed the authorities to enquire into the matter. The Court had also stipulated that the construction made on the land shall



abide by the final decision that shall be made by the Collector. The said order of the Court was passed on 04.03.2011. A copy of the notice contained in Annexure 4, dated 25.08.2011 has been annexed in the writ petition which indicates that the petitioner was called for personal hearing on 30.08.2011 at 3 P.M. Thereafter, by order dated 04.01.2012 in M.J.C. No. 4944 of 2011, contempt filed by the petitioner was disposed off. The order reads as under :

“Heard learned counsel for the petitioner and the opposite parties.

The correctness on facts by further enquiry of the order passed by the opposite parties at Anneuxre-A/2 to the show cause as directed by the writ Court cannot be held in the contempt jurisdiction.

If so advised, the petitioner may question the same afresh in an appropriately constituted application.

The proceeding stands disposed”.

From the aforesaid it is quite apparent that the authorities had passed order in terms of the direction of the Court in C.W.J.C. No. 10450 of 2010 and in that view of the matter the contempt case was disposed off giving liberty to the petitioner to question the said order in an appropriately constituted application. However, in the present case no order has been impugned, much less, the one referred

to in the order dated 04.01.2012 in M.J.C. No. 4944 of 2011.

Having regard to the aforesaid, the present writ application, seeking same relief which was sought in C.W.J.C. No. 10450 of 2010, is clearly not maintainable, moreso, when the subsequent order passed by the authority and as referred to in the order dated 04.01.2012 in M.J.C. No. 4944 of 2011, despite liberty given by the Court has not been assailed.

In view of the aforesaid, the present writ application stands dismissed.

(Ahsanuddin Amanullah, J)

Prakash/-

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