

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.150 of 2015

In

Civil Writ Jurisdiction Case No. 5793 of 2013

- =====
1. Ram Babu, son of Late Ram Briksha, Proprietor of a workshop, Ashok Market, Near-Patna Junction, Patna, resident of Mohalla-Postal Park, Gali No. 4, Kaisth Toli, Police Station-Jakkanpur, District-Patna
 2. Binod Kumar, son of Late Chandrika Prasad, resident of Mohalla-Goria Toli, Station Road, Police Station-Kotwali, District-Patna-800 001

.... Petitioner/s

Versus

1. Patna Municipal Corporation through Sri Kuldeep Narayan Municipal Commissioner, Budh Marg, Patna-800 001
2. Sri Kuldeep Narayan, Administrator, Patna Municipal Corporatoin, Budh Marg, Patna-800 001

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Sudhir Kumar Bijpuria, Advocate

For the Respondent/s : Mr. Hargovind Singh Himkar, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

5 09-03-2016

Heard the parties.

The petitioners complain of non-compliance of the order passed in CWJC No. 515 of 2013 whereby the Municipal Commissioner was directed to consider the grievance of the petitioners in the backdrop of the judgment passed by the Division Bench in L.P.A. No. 135 of 1998.

A show cause has been filed and the grievance raised by the petitioners stands disposed of by the Town Commissioner, Patna Municipal Corporation vide order passed on 15.2.2016 in which he has held that the case of the petitioners is distinguishable and the benefit of the judgment passed in LPA No. 135 of 1998

cannot be extended to them.

Although Mr. T.N. Maitin, learned senior counsel appearing for the petitioners has submitted that in view of the Division Bench judgment, the claim of the petitioners could not have been rejected but having heard learned counsel for the parties and considering the import of the order passed in the writ petition as well as the disposal of the grievance of the petitioners by the Municipal Commissioner, I am of the considered opinion that no case for contempt is made out. The petitioners, if so advised, may question the order dated 15.2.2016 passed by the Town Commissioner, Patna Municipal Corporation by filing an appropriate application before an appropriate forum.

This contempt application is disposed of accordingly.

(Jyoti Saran, J)

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