

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3327 of 2015

In

Civil Writ Jurisdiction Case No. 11925 of 2015

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1. Umesh Kishore Sharan son of Late S.D. Narayan R/o Mohalla - Ashok Nagar, Road No. - 3, Kankarbagh, P.S. Kankarbagh, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Nagar Nigam, Patna through its Chairman/Commissioner, Patna, namely Jai Singh
3. The Commissioner, Nagar Nigam, Patna, namely Jai Singh.
4. The District Magistrate, Patna, namely Premlata Singh.
5. The Senior Superintendent of Police, Patna, namely Vikash Vaibhav.
6. The Executive Engineer Division Municipal Corporation, Kankarbagh, Patna, namely Lalan Singh.
7. The Vigilance Officer, Patna Municipal Corporation, Patna, namely S.P. Kushwaha.
8. Saryug Paswan son of late Mahabir Paswan Shivaji Nagar Road No. 4 East Indira Nagar New Byepass Road Kankarbagh, Patna - 800020.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kr Singh No. 6, Adv.

For the Respondent/s : Mr. Satyadeo Kumar, S.C.5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 17-02-2016 This contempt application was filed complaining of failure on the part of the authorities of the Patna Municipal Corporation to take action against the private respondent in the light of the order passed in C.W.J.C.No.11925 of 2015. The writ petition was disposed of with liberty to the petitioner to represent before the Municipal Commissioner and who in turn was directed to dispose of the grievance within three months of receipt thereof.

The records of C.W.J.C.No.11925 of 2015 shows that the



private respondent had questioned the order passed by the Vice Chairman, Patna Regional Development Authority for removal of the encroachment in question before the Tribunal but which was dismissed on grounds of limitation. This Court remitted the matter for consideration of the matter afresh and its disposal on merits. The order of this Court was placed at Annexure-8 to C.W.J.C.No. 11925 of 2015 but the attention of the court was never invited to the order. Surprisingly even the counsel for the Corporation did not refer to the said order to inform this Court that the matter in contest is pending before the Tribunal. The situation is that while the very encroachment against which the petitioner complains, upon being held as such by the Vice Chairman of the erstwhile Patna Regional Development Authority, an appeal bearing Appeal No. 5 of 2013 remains pending in the Municipal Building Tribunal, Patna, this Court proceeded on the grievance of the petitioner raised in C.W.J.C.No.11925 of 2015 independent of such proceedings and directed the Municipal Commissioner to consider and dispose of the grievance. Obviously, the matter having been passed through the predecessor-in-interest in Office of the Municipal Commissioner, Patna Municipal Corporation and pending with the Municipal Building Tribunal, the Municipal Commissioner could not arrogate the matter to himself.

In the extra ordinary situation discussed, no case for contempt is made. This application is accordingly disposed of. The petitioner if so advised, may contest the issue before the Tribunal in pending appeal.

(Jyoti Saran, J)

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