

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3312 of 2015

In

Civil Writ Jurisdiction Case No. 141 of 2015

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1. Sanjeet Kumar Ram Son of Late Bhogendra Ram R/o Village - Kishun Nagar, P.S. - Katra, District - Muzaffarpur.
 2. Radheshyam Mandal @ Radheshyam Mandal Son of Late Jogeshwar Mandal R/o Village Annugua, P.S. - Katra, District - Muzaffarpur.
 3. Rama Rai Son of Raji Rai R/o Village - Chainpur, P.S. - Katra, District - Muzaffarpur.
 4. Ram Chandra Das Son of Gulab Das R/o Village - Kharaj, P.S. - Katra, District - Muzaffarpur.
 5. Hare Ram Sharma Son of Bharosh Sharma R/o Village - Kishun Nagar, P.S. - Katra, District - Muzaffarpur.
 6. Rajendra Ram Son of Jagdev Ram R/o Village - Kishun Nagar, P.S. - Katra, District - Muzaffarpur.
 7. Harday Das @ Hirday Das son of Ram Kishun Das R/o Village - Kishun Nagar, P.S. - Katra, District - Muzaffarpur.
 8. Jhari Das Son of Late Birju Das R/o Village - Kishun Nagar, P.S. - Katra, District - Muzaffarpur.
 9. Md. Rozai Son of Late Baghelan R/o Village - Anyaypur, P.S. - Katra, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mr. Sudhir Kumar the Home Secretary Govt. of Bihar, Patna.
3. Mr. Amir Subbhani the Home Commissioner, Govt. of Bihar, Patna.
4. Mr. P.K. Thakur, the Director General of Police, Govt. of Bihar, Patna
5. Mr. Paras Nath, the Inspector General of Police, Tirhut Range, Muzaffarpur.
6. Mr. P.K. Shrivastava the Deputy Inspector General of Police Tirhut Range, Muzaffarpur.
7. Mr. Dharmendra Kumar Singh, the District Magistrate, Muzaffarpur.
8. Mr. Ranjit Kumar Mishra, the Senior Superintendent of Police, Muzaffarpur.
9. Mr. Mustafic Ahmad the Deputy Superintendent of Police, Muzaffarpur.
10. Mr. Amarjeet Kumar, the Block Development Officer, Katra, Muzaffarpur.
11. Mr. Ram Eqwal Yadav, The Officer Incharge, Katra Police Station, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.
For the Respondent/s : Mr. A K Chaudhary, AAG 13

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 03-02-2016 This contempt application has been filed for complaining of non-compliance of the order dated 11.2.2015 passed in C.W.J.C.No.141 of 2015 whereby the District Magistrate, Muzaffarpur was directed to consider and dispose of the claim of the petitioner in the backdrop of the rehabilitation scheme enforced in the State vide memo No. 2705 dated 23.11.2011 of the Home (Special) Department.

A show cause has been filed enclosing an order of the District Magistrate, Muzaffarpur dated 9.11.2016 placed at Annexure-D and with reference thereto Mr. Anil Kumar Tiwari learned A.C. to AAG 13 submits that the District Magistrate upholding the claim of the petitioner has made the payments as found admissible under the scheme. It is the complaint of Mr. Pramod Kumar Singh that the disposal of the claim is not in tune with the memo of the Home (Special) Department and that the District Magistrate, Muzaffarpur has discriminated in the matter of reliefs amongst similarly situated beneficiaries. He also submits that the payment so approved have not reached the petitioners.

I have heard learned counsel for the parties and I have perused the order passed by the District Magistrate, Muzaffarpur.

The order passed by this Court on the writ petition required the District Magistrate, Muzaffarpur to consider the claim of the

petitioner and dispose of the same. The order placed at Annexure-D disposes of the claim of the petitioner. Now the complaint of the petitioners presently is that the disposal is not in tune with the Scheme and non payment. In my opinion, the remedy for the petitioner to complain against the implementation of the scheme in letter and spirit would lie in an independent proceeding and not in a contempt application. The petitioners if so advised, may question the order of the District Magistrate as to its implementation by way of an appropriate proceeding before an appropriate forum but no case of contempt is made out.

In so far as the payments approved by the District Magistrate, Muzaffarpur in his order placed at Annexure-D is concerned, it goes without saying that the District Magistrate shall ensure the compliance of his order and that the payment so allowed reaches the beneficiaries.

This application is accordingly disposed of.

(Jyoti Saran, J)

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