

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2333 of 2015

In
Civil Writ Jurisdiction Case No. 1316 of 2015

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1. Md. Azad, Son of Md. Abdul Moin resident of village - Khatadi, Police Station - Ara, District - Bhojpur at Ara.
 2. Zohara Khatoon, wife of Md. Javed, resident of village- Bhaluhipur, Police Station- Ara, District - Bhojpur.
 3. Md. Shahabudin, son of Late Md. Islam, resident of village- Bhaluhipur, Police Station- Ara, District - Bhojpur.
 4. Md. Javed, son of Md. Muslim, resident of village- Bhaluhipur, Police Station- Ara, District - Bhojpur.
 5. Shama Khatoon, wife of Aftab Alam, resident of village - Bhaluhipur, Police Station - Ara, District - Bhojpur.
 6. Md. Aftab Alam, son of Md. Muslim, resident of village- Bhaluhipur, Police Station- Ara, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Urban Development and Housing Department, Bihar, Patna, namely S. Sidarth.
2. The Joint Secretary, Urban Development and Housing Department, Bihar, Patna namely, S. Sidarth.
3. The Ara Municipal Corporation, Ara through the Municipal Commissioner, Ara Municipal Corporation, Ara namely Umesh Kumar.
4. The Municipal Commissioner, Ara Municipal Corporation, Ara, namely Umesh Kumar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque
For the Opp. Party/s : Mr. Devendra Kr Sinha, AAG-2
For the Opp. Party-Corporation: Mr. Bishwa Bibhuti Kr. Singh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

7 30-03-2016 Heard Mr. Md. Ataul Haque, learned counsel

appearing for the petitioners, learned counsel for the State and

Mr. Bishwa Bibhuti Kumar Singh, learned counsel appearing for

the Municipal Corporation, Ara.

This contempt application has been filed alleging

non-compliance of the judgment and order passed by this Court

in CWJC No.1316 of 2015 which was disposed of with a

direction to the Municipal Commissioner, Ara Municipal Corporation to consider the grievance of the petitioners regarding non-allotment of their shop for which they have made deposit as back as in 2010 and to dispose of the same within six weeks from the date of receipt/production of a copy of the said order. The order was passed on 18.5.2015.

A supplementary show cause has been filed enclosing an order dated 11.3.2016 bearing Memo no.489 of the Municipal Commissioner, Ara Municipal Corporation whereby the claim of the petitioners for allotment has been disposed of with reference to some advisory issued by the Department of Urban Development and Housing and the petitioners have been accordingly asked to take refund of their deposits.

Although the order has been passed with some delay but considering the explanation advanced, I am not persuaded to continue with the contempt proceeding which is accordingly disposed of preserving liberty for the petitioners, if so advised, to question the order passed by the Municipal Commissioner, Ara Municipal Corporation by filing an appropriate application before an appropriate forum.

(Jyoti Saran, J)

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