

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4173 of 2016

IN

Civil Writ Jurisdiction Case No. 12096 of 2013

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Kesho Prasad Singh Son of Late Baijnath Singh, Resident of Shishwachak, Post Office- Punpun, P.S.- Pun Pun, District- Patna, presently posted as Zanjeer Wahak, Flood Protection Scheme, Special Land Acquisition Office, at Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Mr. Arun Kumar Singh (Name of the father is not known to the petitioner), Principle Secretary, Water Resources Department, Government of Bihar, Patna.
3. Mr. Gorakhnath (Name of the father is not known to the petitioner), Director, Land Acquisition and Rehabilitation, Water Resources Department, Government of Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar

For the Respondent/s : Mr. AAG4 ANJANI KUMAR

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 07-03-2017

Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is seeking initiation of contempt proceeding against the opposite parties for non-compliance of the order dated 20.09.2016 passed in C.W.J.C. No.12096 of 2013, which was related to grant of A.C.P.

The Joint Secretary-cum- Director, Land Acquisition and Rehabilitation, has passed the order vide Memo No.86 dated 18.01.2017, thereby he has gone far away in the matter of initial appointment of the petitioner and has held that the petitioner is not



entitled to A.C.P.

Learned counsel for the petitioner submits that issue was only with regard to entitlement of the A.C.P. not the initial appointment of the petitioner was bad or good, but the authority without considering limit of consideration recorded finding.

Prima facie, it appears that the authority has gone beyond the limit as he was only required to see the entitlement of the petitioner for A.C.P. not the manner he was appointed at the initial stage, but in this proceeding this Court cannot declare, the order is good or bad.

In such view of the matter, this contempt proceeding is dropped. However, the petitioner is at liberty to take legal course as available under the law.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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