

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2757 of 2002

=====

Brahamdeo Prasad, son of late Raghuni Singh, resident of village Ugan Bigha,
Post-Kawa, P.S./Via-Hilsa, District-Nalanda.

.... Petitioner/s

Versus

1. State of Bihar.
2. Mr. Ashok Kumar Choudhary-Commissioner-cum-Secretary, Department of Health and Family Welfare Government of Bihar, New Secretariat, Vikas Bhawan, Bailey Road, Patna.
3. Dr. Capt. Anil Kumar, Director-in-Chief, Health Services Bihar, Directorate of Health, Health Department, New Secretariat, Vikash Bhawan, Bailey Road, Patna.
4. Dr. (Capt) Devnandan Prasad, Director Health Services, Bihar, Directorate of Health, Health Department, New Secretariat Vikash Bhawan, Bailey Road, Patna.
5. Mr. Sivanand Sinha, Deputy Director Health Services, Bihar, Directorate of Health, Health Department, New Secretariat, Vikash Bhawan, Bailey Road, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Md. Faiz Ahmed, AC to GP-14

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT
Date: 22-05-2017

Inter alia contending that an order passed on 22.05.2002 in CWJC Nos.9256 and 12545 of 1999 has not been complied with, this application has been filed for initiating action for contempt.

Records indicate that a review application was also filed being Civil Review No.133 of 2003 seeking recall of the order passed in CWJC No.9256 of 1999 and by an order passed on 10.09.2014, the order passed in CWJC No.9256 of 1999 on 22.05.2002 has been recalled and the writ petition dismissed.



Thereafter Letters Patent Appeal No.115 of 2015 was filed challenging the order passed on 10.09.2014 in Civil Review No.133 of 2003 and by a detailed order passed, the Letters Patent Appeal was dismissed affirming the order passed in Civil Review No.133 of 2003 by which the order passed in CWJC No.9256 of 1999 on 22.05.2002 was recalled and the writ petition dismissed.

That being so, the order, enforcement of which is sought for in this contempt proceedings, having already been recalled and set aside and the writ petition dismissed in Civil Review No.133 of 2003 and thereafter again confirmed on 20th April, 2016 in Letters Patent Appeal No.115 of 2015, now no contempt action can be initiated as the order passed in the writ petition itself stands recalled and the writ petition dismissed. The application is, accordingly, disposed of.

(Rajendra Menon, CJ)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.05.2017
Transmission Date	

