

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.395 of 2014

IN

Civil Writ Jurisdiction Case No. 9042 of 2011

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Pradeep Narayan Jha, son of Sri Ramesh Jha, resident of Mohalla-Professor's Colony (Rangbhooohmi Maidan), P.S.-Khazanchi Hat, District-Purnea

.... Petitioner/s

Versus

1. The State of Bihar thorough Mr. Arun Kumar Singh, Commissioner-cum-Secretary, Water Resources Department, Government of Bihar, Patna
2. Sri. Raghunath Prasad, son of Note known, Director, Land Acquisition and Rehabilitation, Water Resources Department, Government of Bihar, Patna
3. Praveen Kumar, son of Not known, Special Land Acquisition Officer, Water Resources Department, Gandak Project, Saran at Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. DINESH KUMAR

For the Respondent/s : Mr. MANINDRA KISHORE SINGH

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 13-10-2017

The petitioner wants this Court to take action for contempt on account of the fact that an order passed on 31.10.2013 in Civil Writ Jurisdiction Case No. 9042 of 2011 has not been complied with.

From the material that has come on record, it is seen that against the order passed in the Writ Petition, L.P.A was filed by the State Government and in L.P.A No. 623 of 2014, on 20th of October, 2016, the order passed in Civil Writ Jurisdiction Case No. 9042 of 2011 has been set aside. However, it seems that the State Government has filed S.L.P before the Hon'ble Supreme Court and



the judgment of the LPA has been stayed by the Hon’ble Supreme Court on 06.02.2017.

In the light of the aforesaid circumstances, it is not appropriate for this Court to initiate action for contempt, once the question as to whether the order passed by the learned Writ Court can be implemented, is sub-judice before the Hon’ble Supreme Court. That apart, when the order, passed in the writ petition has been set aside by the Division Bench in L.P.A, it is not appropriate to initiate action for contempt, merely because the order in L.P.A is stayed by the Hon’ble Supreme Court. The petitioner can approach the Hon’ble Supreme Court and seek appropriate orders with regard to implementation of the directions issued in the writ petition.

With the aforesaid, for the present, finding no case for initiating action for contempt, this application stands disposed of.

(Rajendra Menon, CJ)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

