

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1928 of 2015

IN

Civil Writ Jurisdiction Case No. 230 of 2008

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1. M/s Ravi Tent House Bhagalpur, through its Proprietor Jainandan Acharya, Urdu Bazar, Vikramshila Colony, P.s. Tatarpur, District Bhagalpur.
 2. Jainandan Acharya, son of late Dashrath Acharya, Resident of Mohalla Urdu Bazar, Vikramshila Colony P. Tarapur District Bhagalpur.

.... Petitioners

Versus

1. The State of Bihar, through Mr. R.L. Chomthu, Commissioner, Bhagalpur
2. Mr. Saket Kumar District Magistrate, Banka-cum-District Election officer Banka.
3. Mr. Pradip Kumar, Deputy Development Commissioner, Bhagalpur
4. Mr. Ram Kumar Poddar, District Panchayat Raj Office, Banka.
5. Mr. Amit Kumar, Block Development Officer, Rajan
6. Mr. Gurudeo Prasad Gupta, Block Development Officer, Dhuraia.
7. Md. Irfan Ahmad, Block Development Officer, Barahat
8. Mr. Amar Kumar Mishra, Block Development Officer Baonsi.
9. Mr. Chiranjeev Pandey, Block Development Officer, Belhar.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Deepak Kumar Sinha, Adv.

For the Respondent/s : Mr. Niraj Kumar Sinha, A.C. to P.A.A.G-2

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 28-02-2017

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

2. In this case, the petitioner is seeking for initiation of proceeding of contempt against the opposite parties for violating the



order dated 18.4.2014 passed in C.W.J.C. No.230 of 2008, whereby the District Magistrate was directed to examine the case of the petitioner and whatever amount is found admissible to the petitioner be paid to him. In case of rejection of the claim, it should follow the reason order.

3. The show cause which has been filed by the State reflects that the District Magistrate, Banka vide order 22.11.2016 rejected the claim of the petitioner and found that the petitioner is not required to be paid any amount, rather it is the petitioner who has to return Rs.6,91,553/-. In consequence, the District Magistrate, Banka, has directed the petitioner to return the aforesaid amount within 30 days, otherwise, the administration will take action for recovery of the said amount.

4. Learned counsel for the petitioner submits that he would challenge the order passed by the District Magistrate, Banka, whereby the petitioner has wrongly been deprived of the benefit.

5. In such view of the matter, this contempt proceeding is dropped. However, the petitioner, if so advised, may challenge the order of the District Magistrate, Banka before the appropriate Forum.



6. Before parting with this matter, this Court is of the view that the petitioner requires protection for 45 days for approaching this Court. Hence, District Magistrate is directed not to take any coercive steps for recovery of the aforesaid amount for 45 days from today. If the petitioner would fail to challenge the order of the District Magistrate, Banka within two weeks from today, then the Administration will be at liberty to recover the amount in terms of its own decision.

(Shivaji Pandey, J)

pawan/-

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