

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.904 of 2016

IN

Civil Writ Jurisdiction Case No. 8333 of 2014

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Jai Prakash Gupta son of Late Ramdeo Sah resident of Village - Kare, Post Office, Police Station and Block - Sheikhpura, at present residing in the House of Mahadeo Ram near Astha Homeo Hall, Mithapur Bus Stand Road, Police Station - Jakknpur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dr. Chandra Shekhar Singh, the District Magistrate Sheikhpura.
3. Sri Amrendra Kumar Singh, the District Magistrate, Munger.
4. Sri Kaushal Kishore, District Magistrate, Jamui.
5. Sri Kaushal Kishore, the District Mining Officer Jamui.
6. Sri Upendra Kumar Singh, the District Mining Officer Munger.
7. Md. Unish, the District Mining Officer, Sheikhpura.
8. Sri Pankaj Kumar, The Circle Officer Sheikhpura Anchal, Sheikhpura.
9. Sri Shankar Prasad, the Circle Inspector Sheikhpura Anchal, District - Sheikhpura.

.... Contemnors/Opp. Partiess

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy

For the Respondent/s : Mr. Kinkar Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 28-06-2017

Heard learned counsel for the parties.

This contempt petition has been filed for flouting the order of this Court dated 12.09.2014 in CWJC No. 8333 of 2014.

From the order itself, it appears that the petitioner has challenged the order dated 18.10.2013 passed in Mutation Case No. 3971 of 2013. In the said petition, it was brought to the notice of this court that the Halka Karamchati has submitted the report on 7th December, 2013 and, before submission of the same, the Circle



Officer has passed the order and in the order itself there is a mention about the report submitted by the Circle Officer. The order was quashed and the matter was remanded back to pass fresh order.

The original records have been produced by the State from where it appears that the case was registered as fresh case vide 2249/2014-15 and vide order dated 26.9.2014, a direction was issued to Halka Karamchari submit a report and directed for placing the case on 21.10.2014. On 21.10.2014, the final order has been passed by the Circle Officer.

Learned counsel for the petitioner submits that he has received the notice on 2.12.2014, before he could approach and remain present and participate in the proceeding, he was informed two months ago, the Circle Officer has passed the order. It appears that this Circle Officer is in the habit of committing serious illegality in handling the cases. When the Court has passed a direction to pass a fresh order in accordance with law, it was incumbent upon him if the notice was served upon the petitioner, he was to be obliged to give a hearing and only then he could have passed the order but, without following the proper procedure, he has taken a strange action and passed the impugned order. It appears that he has passed the order with impunity without caring and examining the order passed by this Court.



In that view of the matter, the order dated 21.10.2014 suffers from illegality on the ground that before he could remain present in terms of general notice and participate in the proceeding, the Certificate Officer has passed the order. In that view of the matter, it will be treated that no order has been passed on 21.10.2014. The Circle Officer, Sheikhpura Anchal, Sheikhpura, will pass a fresh order after giving a notice to the present petitioner.

It has been informed by the State that the competent authority has already taken steps against the then Circle Officer, Sheikhpura Anchal, Sheikhpura. Let the Disciplinary Authority of the then Circle Officer of Sheikhpura Anchal, Sheikhpura would examine the matter and take action in accordance with law and will be obliged to inform this Court about the outcome of the proceeding, if already not concluded.

Let the original records be handed over to the learned counsel for the State.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.07.2017
Transmission Date	NA

