

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No 893 of 2016

IN

Civil Writ Jurisdiction Case No 19872 of 2013

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Abha Lata W/o Ramesh Kumar resident of- Sherullahpur (Nandgaon), P.O. + P.S.-
Shastrinagar, District- Patna-800023, Presently Member, Empowered Standing
Committee Patna Municipal Corporation, Budh Marg, Patna

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Mr. Amrit Lal Mina, Urban Development and Housing Department, Government of Bihar, New Secretariat Building, Boring Road, Patna-1
2. Sri Jai Singh, Municipal Commissioner, Patna Municipal Corporation, Maurya Lok Complex, Budha Marg, P.O.- G.P.O, District- Patna
3. Sri Mummukchhu Chaudhary, Municipal Secretary having his office at- Maurya Lok Complex, Budha Marg, Patna-1

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Pankaj Kumar Sinha, Advocate

For the State : Mr Uday Prasad, AC to GP 22

For the P M C : Mr Ranjeet Kumar Pandey, Advocate

In person : Mr Prasoon Sinha, Advocate

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

Date: 16-02-2017

Heard learned counsel for the petitioner.

2 This Court is not satisfied that this application, in the nature of an application for initiating contempt proceedings, is maintainable in the facts and circumstances of the case.

3 A writ petition was filed by a practicing Advocate of this Court against the Municipal Commissioner, Ara Municipal Corporation seeking certain reliefs. While disposing of the writ



petition, this Court observed that Municipal Commissioners are to implement the orders and decisions of the Municipal Corporation/Municipality, its Empowered Committee and its elected members. He cannot himself become the Municipal Committee because the Municipal Corporation/Municipality, being a form of local self-Government, is merely an Executive Officer of the said Government to execute the local self-Government's decisions and orders.

4 In this contempt application, which has nothing to do with Ara Municipal Corporation or the dispute therein, the petitioner submits that the law having been laid down by this Court that Executive Officer is to only implement the decisions/orders of the Municipal Committee or the Empowered Committee, the Municipal Commissioner of Patna Municipal Corporation is not acting accordingly and, as such, has prayed for initiation of contempt proceedings.

5 The action of the Patna Municipal Commissioner may be bad for being in violation of the judgment passed in the case of Ara Municipal Corporation but surely that cannot be a contempt. A wrong decision has to be set right by appropriate proceedings. Contempt is when a person deliberately disobeys a command of law given to him by a Court of competent jurisdiction when he acts in defiance of



binding directions of the Court. A judgment in rhyme is not a binding direction to any person.

6 Thus, the judgment passed in the case of Ara Municipal Corporation being a judgment in rhyme cannot be said to have been violated with consequences of contempt by the Patna Municipal Corporation who has nothing to do with the said directions and against whom no direction was issued.

7 This contempt application is misconceived and is dismissed as such.

(Navaniti Prasad Singh, J)

M.E.H./-

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