

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4077 of 2016

IN

Civil Writ Jurisdiction Case No. 3749 of 2015

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Md. Sarfaraj Khan, son of Late Sirajuddin Khan, Resident of Mohalla- Nagmatia Colony, Road No. 1, Police Station- Civil line , District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Shri Chaitanya Prasad, Son of not known, Department of Urban Development and Housing, Government of Bihar, Patna.
2. Mr. Vijay Kumar, son of not known, Municipal Commissioner, Gaya Municipal Corporation, Gaya.
3. Mr. Kinkar Prasad, son of not known, Executive Engineer cum Market-in-Charge, Gaya Municipal Corporation, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Wasi Ahmad Khan, Adv.

For the Respondent/s : Mr. Rakesh Ambastha, AC to AAG-7

For the Corporation : Mr. Ravindra Kr. Priyadarshi, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 28-02-2018

Heard Mr. Washi Ahmad Khan, learned counsel appearing for the petitioner, Mr. Rakesh Ambastha, learned Assisting Counsel to Additional Advocate General No.7 for the State and Mr. Ravindra Kumar Priyadarshi, learned counsel appearing for the Gaya Municipal Corporation.

The writ petition was disposed of with the direction to the Municipal Commissioner, Gaya Municipal Corporation to consider the grievance of the petitioner regarding allotment of Shop No.10 situated in Gani Market, Gaya and to dispose of the same in accordance with law within four weeks of receipt/production of a copy of the order.

On failure of the Municipal Commissioner, Gaya Municipal Corporation to abide by the judgment and order that the present contempt



application was filed.

A show cause is filed on behalf of the Municipal Corporation, Gaya enclosing an order bearing Memo No.173 dated 16.1.2018 of the Municipal Commissioner disposing of the claim of the petitioner. Perusal of the order would reflect that taking note of the litigation pending in the Civil Court that the Municipal Commissioner while issuing direction to the authorities of the Corporation not to realize any rent from the petitioner has also directed for refund of rent realized from him. However, this order yet does not satisfy the petitioner because it does not result in allotment of shop to him. Such is the complaint made by Mr. Khan, learned counsel appearing for the petitioner.

In my opinion, in the nature of the order passed on the writ petition, the order dated 16.01.2018 of the Municipal Commissioner, Gaya Municipal Corporation even though not satisfying the petitioner cannot result in drawing contempt proceeding. The petitioner, if so aggrieved by the order dated 16.1.2018 is at liberty to question the same on merits in an appropriate preceding before an appropriate forum but for the present no contempt is made out.

The contempt application is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05-03-2018
Transmission Date	NA

