

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2509 of 2015

IN

Civil Writ Jurisdiction Case No. 2125 of 2007

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Hemlal S/o Late Biran R/o Yarpur Ambedkar Colony, P.S. - Gardanibagh, Dist. - Patna

.... Petitioner/s

Versus

1. The State of Bihar through Ravi Mittal Commissioner-Cum-Secretary, Department of Finance, Old Secretariat, Government of Bihar, Patna
2. Jai Singh, Municipal Commissioner, Patna Municipal Corporation, Budh Marg, Patna
3. Rajeev Ranjan, Chief Account's Officer, Patna Municipal Corporation, Budh Marg, Patna
4. Vishal Ananad Executive Officer, Nutan Rajdhani Anchal 10 Harding Road Patna, Municipal Corporation, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Respondent/s : Mr. J S BARNWAL, GA 5

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 05-01-2018

This contempt application has been filed by one Shri Hemlal son of Late Biran, inter alia, contending that an order passed on 21.04.2009 in CWJC No. 2125 of 2007 by the learned Writ Court has not been complied with.

CWJC No. 2125 of 2007 was filed by one Piyariya, daughter of one Late Hawaldar, resident of Village / Mohalla Yarpur Ambedkar Colony, Police Station Gardanigagh, District Patna. It was the grievance of the petitioner, i.e. Piyariya, in the writ petition, that certain claims have not been settled by the Commissioner-cum-Chief



Executive Officer, Patna Municipal Corporation and, therefore, the writ petition was disposed of granting liberty to the petitioner Piyariya to file a representation and the Commissioner, Municipal Corporation was directed to settle the claim.

Now, from the documents that have come on record, it is seen that Piyariya, who was the original petitioner in the writ petition, has not filed this contempt application for initiating contempt proceeding. Instead, the contempt proceeding is filed by one Shri Hemlal, son of Late Biran, resident of Yarpur Ambedkar Colony, PS Gardanibagh, District Patna. It is not known as to how the present applicant Hemlal is involved in the previous lis, what is his relationship with Piyariya who was the original writ petitioner, and as to how any right accrues to him. In paragraph-4 of this application an innocuous statement is made that Piyaria is the daughter of Late Hawaldar and despite submitting a representation as directed by this Court in the writ petition, nothing was paid and after her death the present application is filed by him being the husband of late Piyariya.

There is no proof or material available on record that the present petitioner is the husband of Piyariya, on the contrary, Piyariya has been shown to be the daughter of late Hawaldar. The name of the present applicant is nowhere in the writ petition as the husband of Piyariya.



Taking note of the aforesaid, and in the circumstances narrated above, I see no reason to accept the present applicant Hemlal as the legal representative of Piyariya. He could have filed this application with sufficient proof bringing on record that he is the husband of Piyariya, is legal heir of the original writ petitioner and is entitled to estate of late Piyariya but it is not the case here.

In view of the aforesaid, it is not a fit case for initiating action for contempt against the respondent. The applications stands disposed of.

(Rajendra Menon, CJ)

mrl/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	09.01.2018
Transmission Date	

