

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.380 of 2015

In

Civil Writ Jurisdiction Case No.4605 of 2009

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Shambhu Sharan Singh, son of late M.S. Singh, resident of Mohalla 9/5
Kasturbapath, North Sri Krishnapuri, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mr. Abhay Kumar Singh, the District Magistrate, Patna.
3. Md. Kuldeep Narain, Municipal Commissioner, Patna Municipal Corporation,
Maurya Lok, Patna.
4. Mr. Upendra Kumar Sinha, D.I.G., Patna.
5. Mr. Shiv Deep Landey, City Superintendent of Police, Patna Sadar, Patna.
6. Mr. Alok Kumar, Officer in Charge, Jakkanpur Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shambhu Sharan Singh (in person)
For the State	:	Mr. Durgesh Nandan, AAG 14
		Mr. Jitendra Kumar, A.C. to AAG 14
for the P.M.C.	:	Mr. Prasoon Sinha, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-11-2018

Heard Shri Shambhu Sharan Singh in person.

A writ petition was filed in which the following order
was passed on 13th July, 2011:

“This P.I.L. has been initiated suo motu by this Court for the reasons that inconvenience is caused due to encroachment over the road by shopkeepers, vendors of the fruits and also Thelas by opening small movable shops which creates traffic jam.

It is seen generally that the Inspector of the police station concerned is negligent in controlling such hindrance. Therefore, the D.I.G., Patna is directed to ensure removal of movable shops and also to control and regulate the smooth functioning of traffic



over the road by clearing the hindrance as indicated above including the illegal parking of vehicles. If any, further inaction is brought to the notice of this Court, the contempt proceeding shall be drawn against the D.I.G., Patna.

The Municipal Commissioner, Patna is also directed to maintain the roads and drainages neat and clean.

Mr. Shambhu Sharan Singh, Amicus Curiae appointed by this court shall be paid Rs.15,000/- by the State Government.

The writ petition is disposed of.”

The applicant has come up invoking the powers of this Court under Article 215 of the Constitution of India read with the Contempt of Courts Act, 1971 for taking action against the erring authorities for non-compliance of the said judgment dated 13th July, 2011.

A large of number of affidavits have been filed on behalf of the opposite parties to the show cause and a reply has also been filed by the applicant, and we find that the issues which have been raised herein specifically are already engaging the attention of this Court in writ petitions bearing CWJC No. 2442 of 2017 and CWJC No.19564 of 2017.

We, therefore, permit the applicant to raise any such issues which remain to be considered and are required to be additionally taken up, as entailed in this contempt application by filing an interim application in the said writ petitions, as in our opinion, no fruitful purpose would be served at this stage



to keep this contempt matter pending for any further monitoring of the entire exercise which is already being undertaken in the aforesaid two writ petitions. We accordingly, dispose of this contempt application with the aforesaid direction.

A copy of this order shall be placed on the record of the above noted writ petitions.

(Amreshwar Pratap Sahi, CJ)

Bibhash/SKP

(Jyoti Saran, J)

AFR/NAFR	
CAV DATE	NA
Uploading Date	20.11.2018
Transmission Date	NA

