

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.658 of 2016

In

Civil Writ Jurisdiction Case No. 15744 of 2013

=====

Sri Krishna Kumar @ Krishna Kumar Son of Late Raj Kishore Prasad,
Resident of Village - Chhota Telpa, P.S. Town, District - Saran at Chapra.

.... Petitioner

Versus

1. The State of Bihar.
2. Mr. Deepak Kumar, The District Magistrate, Saran At Chapra.
3. Mr. Rajesh Kumar, The Senior Deputy Collector (Establishment), Saran At Chapra
4. Mr. Santosh Kumar, The District Election Officer, Saran At Chapra
5. Mr. Sidhnath Singh, The Circle Officer-cum-Election Officer, Manjhi, Saran

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Nagendra Prasad Yadav No-1, Adv.

For the Opposite Party/s : Mr. A.Ujjwal, SC 25.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 03-10-2018

At this stage, this Court is being informed that the order of the learned writ court has been complied with by making payment of Rs.3,66,988/- to the petitioner, after deducting the advance amount of Rs.70,000/-. A cheque dated 01.09.2018 has been brought on record showing such payment.

The grievance of the petitioner is that no doubt the payment has been made now but in terms of the order of the learned writ Court what was required to be done within a period of four months, has been done after three and half years approximately and if it is so, why it should not be taken as a case



of willful disobedience of the order of the learned writ Court, and the State should be made liable to compensate the petitioner for the loss which he has sustained by way of interest over the amount. It is further submitted that the State in turn may realize such amount from the persons because of whom delay has occurred.

Learned counsel for the State is present and submits that now the order of the learned writ court has been complied with, no further order may be passed.

In the given facts and circumstances of the case, this Court is of the opinion that the grievance of the petitioner as regards delay in compliance of the order of the learned writ Court is just and proper. Such delay has occurred in the hands of the respondents such as District Magistrate, Saran at Chapra (O.P. No.2) who had to examine the grievance of the petitioner within the aforesaid period. This Court is also of the opinion that, if the petitioner has suffered a loss because of delay in compliance of the order of the learned writ Court, he would be fully justified in seeking such relief for which he may be entitled to by way of monetary benefits in form of interest a compensation as the case may be. This Court would, however, not decide such issues at this stage but will definitely give liberty to the petitioner to make



representation in this regard to the District Magistrate, Saran at Chapra and if such representation is filed with the claims preferred by the petitioner, the same shall be examined by the District Magistrate, Saran at Chapra who will pass an appropriate order thereon within a period of three months from the date of receipt/production of a copy of this order. This Court has not gone into the merit of the contention but has only left the remedy open to the petitioner as stated above. If the petitioner feels aggrieved with the order of the District Magistrate, Saran at Chapra, he will be at liberty to challenge the same in accordance with law and in an appropriate jurisdiction.

The application stands disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/Ved/-

U			
---	--	--	--

