

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2724 of 2017

IN

Civil Writ Jurisdiction Case No. 20574 of 2016

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Parmanand Singh, Son of Late Kamdeo Singh, Resident of Village- Maheshpur,
P.S.- Piri Bazar, District- Lakhisarai, at present residing at Quarter no.183, Block
No. 13, Type-I, Central Reserve Police Force, Group Centre, Muzaffarpur.

.... Petitioner/s

Versus

1. The Union of India, Ministry of Home Affairs through the Director General of Police, Central Reserve Police Force (hereinafter referred to as the CRPF), Block-I, CGO Complex, Lodi Road, New Delhi, namely Sri Rajiv Roy Bhatnagar.
2. The Special Director General of Police, C.R.P.F. Central Zone, H.C. Block, Salt Lake, Sector- 3, Kolkatta, namely Sri Kuldeep Singh.
3. The Inspector General of Police, C.R.P.F., Bihar Sector, Ashiyana-Digha Road, Patna, namely Sri M.S. Bhatia.
4. The Director General of Police, C.R.P.F., Group Centre, Muzaffarpur, namely Sri T.J. Jacob.
5. The Commandant, 160 Batalion, C.R.P.F. Chhavni, Rama, Jammu (J&K), namely Sri Gopal Yadav.
6. The Director General of Police, Group Centre C.R.P.F. Talegaon, Pune, Maharastra, namely Sri Arunendra Pratap Singh.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar, Adv.

For the Respondent-UI: Mr. Awadesh Kumar Pandey, SCGC.
Mr. Ravinder Kumar Sharma, CGC.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 12-09-2018

Heard Mr. Vipin Kumar, learned counsel appearing for the
petitioner and Mr. Ravinder Kumar Sharma, learned Central
Government Counsel for the Union of India.

The writ petition was allowed with an advice to the
opposite parties not to recover the penal rent from the petitioner as also
to adjust the excess rent so recovered towards future rent. The quarter
vacation order was also quashed alongside. Since no steps were taken



that the petitioner alleging violation came before this Court in this contempt application.

A show cause is filed on behalf of the opposite parties and Mr. Sharma, learned Central Government Counsel in reference to an order passed by the Deputy Inspector General of Police, GC, Central Reserve Police Force, Muzaffarpur enclosed at Annexure 'A' dated 30.07.2018 submits that the order has been complied. In reference to the direction present at paragraph 9 of the order he submits that the vacation notice has been cancelled and the petitioner has been allowed to continue in the quarter subject to the statutory Rules. The order imposing market/damage rent has also been cancelled and recovery stopped as also the excess rent so recovered from the petitioner has been directed for adjustment against future rent at normal licence fee.

Mr. Vipin Kumar, learned counsel appearing for the petitioner by filing a supplementary affidavit submits that it is pained by the hostility of the respondents that the petitioner has vacated the family quarter on 25.08.2018 and a vacation certificate to such effect is enclosed at Annexure 6 to the supplementary affidavit filed today. He thus submits that since the family of the petitioner has vacated the official quarter there can be no question of adjustment of the penal rent recovered towards future rent and thus appropriate direction be issued to the authorities for refund of the penal rent so recovered.

Having noted the order passed by the Deputy Inspector General of Police, GC, CRPF, Muzaffarpur present at Annexure 'A' to



the show cause, I am satisfied that no case of contempt is made out. However, taking note of the vacation certificate present at Annexure 6 to the supplementary affidavit, for the present, while granting liberty to the petitioner to raise his claim before the Deputy Inspector General of Police, GC, Central Reserve Police Force, Muzaffarpur for refund of the excess market/damage rent recovered from him enclosing the vacation certificate, I would direct the Deputy Inspector General of Police, GC, Central Reserve Police Force, Muzaffarpur to consider the claim of the petitioner for refund and dispose it of by a speaking order, to be passed within six weeks of filing of such claim. It goes without saying that any part of the claim found admissible, should be paid within the same period.

With the observation above, the contempt application is disposed of.

(Jyoti Saran, J)

SKPathak/Anjula

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	18-09-2018
Transmission Date	NA

