

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3081 of 2015

In

Civil Writ Jurisdiction Case No. 9385 of 2015

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1. Imran Khan son of Abdul Hameed Khan, Resident of Mohalla- Purani Gudri, Ward No.10, P.S.- Bettiah Town, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Department of Urban & Housing Development, Government of Bihar, Patna namely Anjani Kumar.
2. Lokesh Kumar Singh, the District Magistrate, Bettiah, West Champaran.
3. Bipin Kumar, the Executive Officer, Bettiah Municipal Council, Bettiah, West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta, Adv.

For the Respondent/s : Mr. Manoj Kumar, AC to GP 24

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

12 16-08-2018 Reference may be made to the previous orders passed by the learned Coordinate Bench of this Court. Negligence and laches with which the matter has been delayed by the Nagar Parishad, Bettiah is apparent on the face of the record. It is only after the Superintendent of Police, Bettiah, West Champaran, was directed to ensure presence of the Chief Executive Officer, Bettiah Municipal Corporation, Bettiah, West Champaran, he is present today in Court and has placed before this Court a Multi City Cheque of the Allahabad Bank bearing No.73442 dated 14.08.2018 for a sum of Rs.12,07,237/- drawn in the name of the petitioner towards payment of the admitted proportionate amount



which the Nagar Parishad, Bettiah was required to pay in terms of the Court order.

In course of argument and in view of the admitted fact that the order of the learned writ Court was passed in the year 2015 as back as on 27.07.2015 whereunder the Executive Officer, Nagar Parishad, Bettiah, was required to make payment of admitted amount within a period of four weeks but the same was not paid for about three years by now, he has offered to pay interest at the rate of 6% per annum within a period of four weeks after the order dated 27.07.2015 till 28th February, 2018. He has submitted before this Court that the cheque was in fact prepared on 01.03.2018 for payment but the petitioner was disputing the said amount and was not agreeing to accept the same and for that reason the Nagar Parishad, Bettiah, would not be paying the interest part for the period 01.03.2018 till date.

Even though, learned counsel representing the petitioner submits that the calculation of Rs.12,07,237/- is not in tune with the order and direction issued by the learned writ Court and he is looking for some more amount, at this stage, after going through the contents of the learned writ Court order and the facts and circumstances, particularly, the offer made by the Chief Executive Officer, Bettiah Municipal Corporation, Bettiah, West Champaran,



this Court does not find any reason to proceed with the contempt proceeding. Taking note of the undertaking of the Chief Executive Officer, Bettiah Municipal Corporation, Bettiah, West Champaran, that he would calculate the interest amount as offered hereinabove and shall pay the same within a period of 15 days from the receipt/production of a copy of this order, the contempt proceeding is dropped. The petitioner shall be at liberty to take such appropriate remedy as may be available to him in accordance with law if he has any other further claim against the Nagar Parishad, Bettiah.

Let the Cheque be handed over to Mr. Ashok Kumar Gupta, learned counsel for the petitioner who shall hand over the same to the petitioner under an acknowledgment.

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha/Ved

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