

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1735 of 2015

In

Civil Writ Jurisdiction Case No. 2525 of 2011

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Md. Nabi Hasan, son of Late Md. Hanif, resident of village Nawanagar
Milki, ward No. 05 Nagar Panchayat, Sahebganj, P.O. Kamaul, P.S.-
Sahebganj, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary namely Mr. Anjani Kumar Singh, Govt. of Bihar, Patna.
2. Mr. Anupam Kumar, the District Magistrate, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Mishra

For the Respondent/s : Mr. Dinbandhu Singh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

6 20-08-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The grievance of the petitioner is that the order dated
24.01.2012 passed in CWJC No.2525 of 2011 has not been



complied with in its true terms and spirit. Learned counsel representing the petitioner points out that the order dated 24.01.2012 may be divided in two parts. According to first part of the order, the District Magistrate, Muzaffarpur had to consider whether C & C Construction Limited is a commercial company carrying out contract work. This part has been complied with inasmuch as the District Magistrate, Muzaffarpur has considered and held that the C & C Construction Limited is a commercial company and carrying out contract work.

The second part of the order is with regard to the petitioner's filing a representation before the District Magistrate, Muzaffarpur raising his grievances and then District Magistrate had to consider all the facts and pass an appropriate order in the matter. It is this second part which is said to have been violated.

Learned counsel for the State has filed a show cause and has brought on record a number of documents including one Annexure-G which is an order dated 03.08.2018 passed by the District Magistrate, Muzaffarpur and is said to be in compliance of the order of this Court. Learned counsel for the State submits that a perusal of Annexure-G would show that the District Magistrate has considered the representation of the petitioner and has considered all aspects of the matter. The petitioner had claimed a



sum of Rs.1,11,12,111/- as compensation, but according to the order he could not produce the documentary evidences such as the receipts and the registers which were required to be maintained by him. Learned counsel submits that the District Magistrate could not find any evidence in respect of the claim of the petitioner. Moreover, it has been found that collection of toll by the Nagar Parishad, Sahebganj during the year 2010-11 was illegal as no such collection could have been made in view of the letter no.3076 dated 12.06.2008 issued by the Urban Development and Housing Department, Government of Bihar. It is his submission that, in the aforesaid view of the matter, the representation of the petitioner has been rejected by the District Magistrate, Muzaffarpur.

Having heard learned counsel for the parties and on perusal of the records particularly Annexure-G, this Court is satisfied that the order of this Court has been complied with. If at all the petitioner is not satisfied with the order dated 03.08.2018, it is for him to pursue his remedy in accordance with law. This Court is not recording any observation on the legality or validity of the order as contained in Annexure-G keeping in mind that any observation made by this Court sitting in its contempt jurisdiction with regard to the order passed by the District Magistrate would not be just and proper.



Suffice it to say that this Court does not find any reason to proceed with the contempt application. The contempt application is dismissed.

(Rajeev Ranjan Prasad, J)

Arvind/-

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