

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4636 of 2018

In
Civil Writ Jurisdiction Case No.15634 of 2017

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1. Rajesh Kumar, Son of Sri Kishori Sharan Singh, R/o Post- Nawada, P.S.- Nawada, District-Nawada, Bihar.
 2. Narendra Kumar, Son of Sri Gorelal Singh, Resident of Village- Mafi, P.O.- Warsaliganj, P.S.- Warsaliganj, District- Nawada, Bihar, Pin 805130.
 3. Kanhaiya Dayal Singh, Son of Sri Bacchu Prasad, Resident of A P Colony, PO- Rampur, PS- Rampur, District- Gaya, Bihar, Pin 823001.
 4. Pradip Kumar, Son of Sri Jalim Prasad, R/o At- Chandi, PO- Brindawan, PS- Ariyari, District- Sheikhpura, Bihar.
 5. Rajesh Kumar, Son of Sri Babulal Rajak, Resident of Village- Faizabad, PO- Barbiga, PS- Barbiga, District- Sheikhpura, Bihar. Pin 811101.
 6. Devanand Kumar, Son of Late Laxman Noniya R/o Village and Post- Kare, P.S.- Sheikhpura, District- Sheikhpura, Bihar.
 7. Arun Kumar Tarun, Son of Sri Sachchidanand, R/o Village- Bhikhanpur, PS- Rupau, District- Nawada, Bihar.
 8. Alok Kumar, Son of Sri Kishori Prasad R/o Village- Warsaliganj, North Market, Badi Masjid, PO and PS- Warsaliganj, District- Nawada, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Rural Development, Government of Bihar, Patna.
3. Anjani Kumar (Sr. Advocate), Additional Advocate General No. 4, Office of the Advocate General, PO- GPO, PS- Kotwali, District- Patna, Bihar.
4. Yogendra Singh (District Magistrate, Sheikhpura), PO- Sheikhpura, PS- Sheikhpura, District- Sheikhpura, Bihar.
5. Niranjana Kumar Jha, Deputy Development Commissioner, Sheikhpura, PO- Sheikhpura, PS- Sheikhpura, District- Sheikhpura, Bihar. Permanent Resident of B/107, Vishwa Mohini Apartment, Behind Shalimar Sweets, Near MIG- 40, PO- Kankarbagh, PS- Kankarbagh, Patna, Bihar- 800020.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Krishna Gupta, Adv.
For the Opposite Party/s : Mr. Lalit Kishore, AG

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER



(Per: HONOURABLE THE CHIEF JUSTICE)

3 26-11-2019 The present application has been filed with following
relief:-

“It is, therefore, most humbly prayed that the Hon’ble Court be pleased to admit this petition, issue Rule Nisi calling upon the Contemnors-Opposite Parties to show cause as to why the contempt proceedings be not initiated against them for deliberate and willful violation of the Oral Order passed and Undertaking thereto dated 27.08.2018 (Annexure-1) by the Hon’ble Chief Justice M. R. Shah and Hon’ble Justice Dr. Ravi Ranjan arising out of C.W.J.C. (PIL) No. 15634/2017 and upon return of the Rule and after hearing the Parties and Show cause, if any filed, prosecute and suitably punish the contemnors-Opposite Parties for the Contempt of the Hon’ble Court.”

Operative portion of the judgment referred to in the prayer clause reads as follows:-

“Learned Additional Advocate General-IV appearing on behalf of the State has stated that against the Mukhiya of the concerned Gram Panchayat, though the proceedings are required to be initiated, however, somehow or the other the same was not taken to remove him. He has also stated that against concerned officers, against whom the FIR was filed and who were on contractual appointment, show cause notices were issued, but thereafter no further steps have been taken. He has also reported that so far one employee is concerned, who was on regular basis, however, show



cause notice has been issued, thereafter no further steps have been taken.”

The communication dated 28th August, 2018 that of the Government Counsel to the District Magistrate is his opinion with regard to attachment of the property of the employee, found to be guilty. As such, we do not find anyone of the respondents named herein, more so a Senior Advocate, to have committed any contempt.

Unfortunately and regretfully, learned counsel has been arrayed as a party respondent, by now, to the present petition. The opinion was based on the anguish expressed by the Court as is evidenced from the bare reading of the order. We deprecate such practice on the part of the petitioners in arraying the counsel as a party by name in the contempt proceedings.

Accordingly, we dismiss the present petition with cost of Rs. 5,000/- (cumulatively) to be recovered from the petitioners by way of arrears of land revenue. The cost shall be deposited with the District Legal Services Authority to be utilized for the project for improvement of environment. The District Collector, Sheikhpura shall ensure recovery thereof and submit report to this Court.

The Registrar General of this Court is directed to communicate the order to the concerned District Collector.



Learned AC to Advocate General also states that such communication shall be sent by E-mail and registered post with AD.

At this stage, learned counsel for the petitioner seeks permission to withdraw the present petition. Well we are not inclined to accept such prayer, for the matter was heard for quite some time and the learned counsel turned down the suggestion of the Court in withdrawing the petition, much, before the arguments had commenced as he preferred the Court to pass the orders. Time of the Court is precious and cannot be allowed to be wasted.

Accordingly, the instant application stands dismissed with cost above-mentioned.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

Amrendra/DKS

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