

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2404 of 2019

Shankar Prasad Gupta @ Shankar Prasad (Male) 66 Years, son of Late Ramchandra Prasad Gupta Resident of Village- Gudri Bazar, Ward No.20, P.O. and P.S.- Samastipur Town, District- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar through the District Collector, Samastipur, P.S. and District- Samastipur
2. The Sub Divisional Officer, Samastipur, P.S. and District- Samastipur
3. The Officer-in-Charge, Samastipur Town Police Station, P.S. and District- Samastipur.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Choubey
For the Respondent/s	:	Mr.Arvind Ujjwal (SC4)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-04-2019 It is unfortunate that because of the failure of the Collector, Samastipur in executing his own order dated 06.12.2017 passed in Misc. Case No. 716/2004, the petitioner has been compelled to move this court under Article 226 of the Constitution of India. It is the inaction on the part of the respondent no. 2 and the Sub-Divisional Officer, Samastipur which are subject matter of concern for this court. In this regard, the petitioner has also pointed out from Annexure '2' to the writ application that he had requested the Sub-Divisional Officer, Samastipur to make payment of the amount as per order of the Collector, Samastipur but the same has not been taken care of.



Learned counsel for the State has though submitted that this court would not act as an executing court for execution of the order passed by the Collector, Samastipur as contained in Annexure 'P-1' but the argument advanced on behalf of the State is liable to be rejected at the threshold. The reason being that it is the inaction of the official respondents which have been complained against in the present application. This court having come to know and *prima facie* satisfied that the statutory authorities/executive authorities, as the case may be, is not acting, the court cannot remain a mute spectator.

This court, therefore, directs the Collector-cum-District Magistrate, Samastipur to ensure compliance of his order dated 06.12.2017 in its terms and spirit. The exercise to find out the guilty persons and recovery of the amount as also payment thereon to the petitioner in terms of his own order dated 06.12.2017 must be given effect to within a period of three months from the date of receipt/production of a copy of this order. Any delay in recovery of the amount from the erring officials would not absolve the respondents from making payment of the admitted amount to the



petitioner within the aforesaid period.

This writ application stands disposed of
accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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