

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4978 of 2017

1. Anjani Kumar Sinha and Ors Son of Late Awadh Prasad,
2. Anup Kumar Sinha S/o Late Awadh Prasad
3. Anuj Kumar Sinha S/o Late Awadh Prasad All resident of Road No.6A, Rajendra Nagar, P.O.-Rajendra Nagar, P.S.-Kadamkuan, District-Patna, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The District Education, Superintendent cum District Programme Convener, Bihar, Education Project, P
4. The Collector, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sheela Sharma
For the Respondent/s : Mr.Prabhakar Jha-Gp27

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 29-04-2019 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

2. This is a case of telling a tale of the reluctance in
conducting the State cases.

3. Learned counsel for the petitioners has drawn
attention to the Annexure-3 the judgment in Title Suit No. 39 of
2008. In that Title Suit the State of Bihar was a party. The
judgment was delivered on 25.7.2009. We are in 2019.

4. After the judgment and decree dated 25.7.2009, the
petitioner filed Execution Case No. 1 of 2011 contained in



Annexure-S/5.

5. From perusal of the order, it appears that scheme of execution is the proceeding is continuing in most casual manner and it appears that the execution proceeding in execution case no. 1 of 2011 has not fructified as yet.

6. Learned counsel appearing on behalf of the respondent State would submit that after 10 years of the judgment now the State wishes to prefer appeal.

7. The manner in which the judgment of the competent civil court is neglected and execution is frustrated would indicate that the authorities of the State are above the law such conduct of respondents runs contrary to the concept of rule of law. The individual howsoever high is not above the law. It appears that for respondents the order of the Court is only declaration by the Court but enforcement depends on the sweet will of the officers. Time is ripe to introspect wheter State authorities can frustrate the judgment rendered by the competent court in the manner it is done in the present case.

8. The court does not approve the action of the State in refusing to implement the judgment rendered by the competent court in which the State was party.

9. The Court accordingly, directs the State authorities



to see that the judgment and decree in the Title suit is implemented in its entirety within a period of 30 days after general election or in the alternative pay compensation to the petitioner for use of land of the petitioner in terms of 2013 Act within a period of sixty days from today.

10. With the aforesaid, the writ petition is allowed and disposed of.

(Anil Kumar Upadhyay, J)

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