

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.522 of 2019

In

Civil Writ Jurisdiction Case No.1216 of 2019

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Uno Digital Pvt. Ltd. having its registered office at road no. 2, Block No. 3, Patliutra Industrial Estate, Patna- 800013 represented , R/o House No. 74A, Patliputra Colony, P.S. Patliputra Patna- 800013

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through Sri Deepak Kumar, Age- 57, M, the Chief Secretary, Govt. of Bihar, Patna
2. Chaitanya Prasad The Principal Secretary, Urban Development Department, Govt. of Bihar, Patna
3. Patna Municipal Corporation through its Commissioner Sri Aupam Kumar Suman, Age 45, M, Maurya Lok Complex, Budh Marg, Patna
4. Aupam Kumar Suman the Commissioner, Patna Municipal Corporation, Maurya Lok Complex, Budh Marg, Patna
5. Sheela Irani the Additional Municipal Commissioner, Enforcement, Patna Municipal Corporation, Maurya Lok Complex, Budh Marg, Patna
6. Patliputra Co-operative House Construction Society Ltd. Patliputra Patna- 800013 through its Secretary Sri Gyan Shankar, Age 65
7. T. N. Tiwari The Officer In Charge, Patliputra Police Station, Patliputra

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aditya Prakash Sahay, Advocate
For the Opposite Party/s : Mr.Subhas Prasad Singh (GA-3)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-02-2020 It appears that the present application for initiation of a proceeding for contempt has been filed by the landlord.

Mr. Aditya Prakash Sahay, learned counsel for the petitioner submits that in terms of the order dated 21.01.2019 passed in CWJC No. 1216/2019, the Municipal Commissioner would have proceeded against the shopkeepers only by giving them an opportunity to be heard, but in this case the Municipal Commissioner has come out



with letter dated 29.01.2019 as contained in Annexure '2' & '2/1' addressed to the two tenants/shopkeepers saying that they should close their shop till disposal of the vigilance case, and therefore it is a case for initiation of a proceeding for contempt against the Municipal Commissioner.

In course of argument, on query made by this court learned counsel submits that those shopkeepers to whom Annexure '2' & '2/1' have been issued have assailed that communication in separate writ application which are pending consideration before this court.

In the aforesaid view of the matter, taking note of the fact that the two communications issued to the shopkeepers are under challenge in writ applications, this court is not inclined to proceed with the contempt proceeding at the instance of the petitioner. The shopkeepers, if so advised, may seek their remedy in accordance with law.

This Application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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