

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18885 of 2018

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Sri Sri 108 Mata Kali Ji Kuldevta Ji Through Her Shebait Rajiv Nandan
Singh and Anr

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 18248 of 2018

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Kalavati Kuer

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 18885 of 2018)

For the Petitioner/s : Mr.Samrendra Kumar Jha

For the Respondent/s : Mr.Sheo Shankar Prasad- Sc8

(In Civil Writ Jurisdiction Case No. 18248 of 2018)

For the Petitioner/s : Mr.Ashok Kumar Garg

For the Respondent/s : Mr.Subash Chandra Yadav- Gp15

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 27-09-2022 Heard the parties.

Now, it has been realized by the State authorities that they do not have power to execute Vakalatnama in favour of private lawyers as the litigation of the State can only be contested by the lawyers in the government panel and if the State wants to engage a private lawyer the same has to be approved by the learned Advocate General of the State of Bihar.

In the present case and in some other cases, officers



have been engaging private lawyers without any authorization.

Considering the above, Mr. Amrendra Narayan, learned Advocate seeks permission to withdraw his Vakalatnama and the interlocutory application filed by him on behalf of Principal, Kalanand High School.

Permitted to withdraw.

Pursuant to the order dated 26.09.2022, the District Education Officer, Purnea appears in Court and submits that he had been directed for filing Vakalatnama through a private lawyers unknowingly as his predecessor had been doing it and, therefore, there is no intentional laches on his part. The District Education Officer, Purnea also submits that the Kalanand High School, Garhbaneli has wrongly filed C.W.J.C. No. 18244 of 2018 through private lawyer without any authority.

Considered the submission of the District Education Officer, Purnea.

Learned counsel in C.W.J.C. No. 18244 of 2018 Shri Amrendra Narayan is permitted to withdraw the writ application with liberty to the State to take action in accordance with law.

The order of the S.D.M. holding *Mela* has been found by him to be illegal in view of the Division Bench Judgment of this Court passed on 26th June, 1960 in MJC No. 698 of 1958.



It seems that the entire office of the S.D.M. is hand in gloves with criminals as to why the earlier order this Court passed on 29th June 1960 was not brought in the notice of the authorities and *Mela* has been illegally been settled in favour of one Manoj Yadav.

The Purnea District Administration and its officers are restrained from interfering in the private land of the petitioner and any interference by the authorities including the direction for holding *Mela* shall be treated to be **Contempt of Court.**

With the aforesaid direction and observation, this application is allowed.

(Sandeep Kumar, J)

Sunnykr/Saif

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