

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.603 of 2022

In
Civil Writ Jurisdiction Case No.11110 of 2015

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Shambhu Sharan Singh Son of Late M.S. Singh Resident of Kasturba Path,
North Shri Krishnapuri, P.S.-Sri Krishnapuri, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sri Anand Kishore, the Principal Secreary, Urban development Department and Housing, Govt. of Bihar, Patna.
3. Sri Kumar Ravi, Divisional Commissioner, Patna Division, Panta.
4. Sri Dr. Chandra Shekhar Kumar Singh District Magistrate, Patna.
5. Sri Dr. Manavjeet Singh Dhilllo, Senior Superintendent of Police, Patna.
6. Sri Anil Choudhary, Superintendent of Police, Traffic Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate
For the Opposite Party/s : Mr. Yogendra Prasad Sinha, AAG-7

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

6 08-11-2023 The present contempt petition is filed in the year 2022

in respect of the non implementation of the interim order dated

29.07.2015. The following directions were issued as an interim

measure:-

- “(a) The demonstration of 'Dharna' at R-
Block shall stand prohibited forthwith.
- (b) For a period of two months such
'Dharna' shall be permitted at the place



nearby Gardanibagh Police Station and, if necessary, in the part of the Stadium also.

(c) The Administration shall choose and fix a place for 'Dharna' on permanent basis in such a way, that the general traffic is not affected.

(d) If any person conducts 'Dharna' at any place contrary to the orders passed by this Court, it shall be treated as illegal, and necessary steps for initiating proceedings under the Contempt of Courts Act shall also be taken.

(e) When the permission is accorded for holding 'Dharna', it shall be open to the concerned Authorities to indicate the route through which the procession should pass.

Post after two months.”

2. Thereafter, C.W.J.C No. 11110 of 2015 has attained finality on 19.12.2016 in disposing the main matter.

3. Prima facie, there is no specific direction as an interim measure. The directions at “a to e” are general in nature. That apart, for violation of the aforementioned directions, the petitioner has not pointed out the cause of action accrued to him in the year 2022. Moreover, interim directions issued merges with the final order. In the present case, final order was passed



on 19.12.2016. Assuming that interim order dated 29.07.2015 merges with the final order on 19.12.2016 and there is a violation by the official respondents in that event the petitioner had fresh cause of action. Moreover, to entertain M.J.C-Contempt Petition, the concerned party has to approach this Court within one year from the date of orders of this Court, in the light of Section 20 of the Contempt of Courts Act, 1971. Therefore, the present contempt petition is not maintainable. Further, Co-ordinate Bench has examined the delay issue in respect of entertaining the contempt petition in the case of ***Dr. Rajesh Kumar Sinha & Ors. Vs. The Union of India & Ors. (MJC No. 1840 of 2023).***

4. Accordingly, the present contempt petition stands disposed off. Disposal of the present petition would not be hurdle for the petitioner to file a fresh writ petition.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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