

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1028 of 2022

In
Civil Writ Jurisdiction Case No.18624 of 2021

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Raj Kumar Gupta Son of Fakir Chand Resident of Village- Birha, P.S.-
Mednichak, District- Lakhisarai.

... .. Petitioner.

Versus

1. The State of Bihar.
2. Mr. Brijesh Mehrotra, the Principal Secretary, Revenue and Land Reforms
Department, Govt of Bihar, Patna.
3. Mr. Daya Nidhan Pandey, the Commissioner, Munger Division, Munger.
4. Mr. Navin Kumar, the District Collector, Lakhisarai.
5. Mr. Sanjay Kumar, the Sub Divisional Officer, Lakhisarai.
6. Mr. Sumit Kumar Aanand, the Circle Officer, Surajgarha, Lakhisarai.
7. Mr. Jagunataharaddi Jalaraddin, the Superintendent of Police, Lakhisarai.

... .. Opposite Parties.

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Appearance :

For the Petitioner	:	Mr. Sanjay Prasad, Advocate.
For the State	:	Mr. Rishi Raj Sinha (SC-19).
		Mr. Manoj Kumar Sinha, AC to SC-19.

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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)

5 09-11-2023 The present M.J.C. petition is filed for non-compliance of the order of this Court dated 01.11.2021 passed in C.W.J.C. No.18624 of 2021 read with the petitioner's representation.

2. Perused the show cause filed on behalf of the opposite party no.7. It is evident that there is belated compliance. Certain grievance of the petitioner is stated to have



been redressed and some more is required to be complied. In this regard date has been fixed as 24.11.2023.

3. Taking note of these averments and the fact that there is inordinate delay in complying the orders of this Court, therefore, instead of initiating the contempt of court proceedings, imposition of cost would suffice. Therefore, respondents are hereby directed to pay litigation cost and it is quantified at Rs.5000/-. The cost shall be paid to the petitioner within a period of eight weeks from the date of receipt of this order.

4. Accordingly, the present M.J.C./Contempt Petition stands dropped. If the respondents fail to comply the remaining portion of the order or grievance of the petitioner on 24.11.2023, in that event petitioner is at liberty to file interlocutory application to revive this order and continue the contempt proceedings.

5. At this stage, learned counsel for the State-Respondents submitted that they were required to remove 58 properties or persons from illegal encroachment. They have already removed 49 persons on 27.10.2023. For remaining 9 persons, due to technical difficulty, it is under consideration. Therefore, there is no delay. The aforementioned reasons



suffice to ignore the delay in implementation of the orders of this Court dated 01.11.2021 passed in C.W.J.C. No.18624 of 2021.

6. The aforementioned reasons cannot be accepted to condone the delay in complying the orders of this Court dated 01.11.2021 for simple reason that the concerned respondents should have made necessary application for extension of time before the time limit stipulated by this Court, i.e., four months. No efforts have been made in filing interlocutory application and seeking extension of time in C.W.J.C. No.18624 of 2021 decided on 01.11.2021. In contempt matters, the respondents cannot contend that delay in implementation of the orders of this Court is due to technicality. Accordingly, the reasons to condone the delay is hereby rejected.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

P.S./-

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