

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1623 of 2021

In
Civil Writ Jurisdiction Case No.22925 of 2019

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Pankaj Kumar Son of Krishnandan Sharma Resident of Village- Jalalpur, P.S.-
Dhanrua, District- Patna.

... .. Petitioner.

Versus

1. The State of Bihar.
2. The Chief Secretary, Government of Bihar, Patna, namely Tripurari Sharan.
3. The Principal Secretary, Department of Rural Works, Government of Bihar, namely Vivek Kumar Singh.
4. The Divisional Commissioner, Patna Division, Patna, namely Sanjay Kumar Agrawal.
5. The District Magistrate-cum-District Collector, Patna, namely Dr. Chandra Shekhar Singh.
6. The Sub- Divisional Officer Masaudhi, District- Patna, namely Sanjay Kumar.
7. The Circle Officer, Dhanarua, District- Patna, namely Sri Rishi Kumar.
8. Jitendra Prasad Singh, Ex- Circle Officer Dhanarua, District- Patna.

... .. Opposite Parties.

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Appearance :

For the Petitioner	:	Mr. Suraj Kumar, Advocate. Mr. Pramod Mishra, Advocate.
For the State	:	Mr. Manish Kumar, AC to AAG-6 (Ex) (Incharge AAG-5).

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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)

7 30-11-2023 Pursuant to the earlier order dated 05.10.2023, Dr.

Chandrasekhar Singh, District Magistrate, Patna, is present in

the Court.

2. On 05.10.2023, the following order was passed:

“There is no explanation insofar as



implementation of this Court's order dated 21.11.2019 passed in CWJC No. 22925 of 2019 read with the petitioner's representation dated 23.12.2019. District Magistrate, Patna cannot shirk responsibility and fasten liabilities on his subordinate. He was a party to the original writ proceedings. That apart, he is Supervising Officer in the respective district. He has to undertake review of works or implementation of various orders of this Court, he cannot sleep over the matter for years together and shirk responsibility and fasten liabilities on his subordinates that subordinate officials have not brought it to his notice. Therefore, District Magistrate, Patna shall be present in the Court on the next date of hearing. He has to explain that from 23.12.2019 onwards who are all responsible and apprise the same to the Principal Secretary/Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna for taking appropriate action against such of those officials who are all involved in delaying the process insofar as implementation of orders of this Court dated 21.11.2019 passed in CWJC No. 22925 of 2019 read with the petitioner's representation dated 23.12.2019.



Thereafter, action taken by the Principal Secretary/Secretary, Revenue Land and Reforms Department, Govt. of Bihar, Patna shall be placed on record.

2. Re-list this matter on 30.11.2023.”

3. Supplementary show cause has been filed on behalf of the opposite party nos.5 to 7 along with the documents (Annexures-A to D).

4. The present M.J.C. Petition is filed for non-compliance of the orders of this Court dated 21.11.2019 passed in C.W.J.C. No.22925 of 2019.

5. It is necessary to reproduce the order dated 21.11.2019 passed in C.W.J.C. No.22925 of 2019 and it reads as under:

“Heard learned counsel for the petitioner and learned counsel for the State.

Learned counsel for the petitioner states that the writ-petitioner has already filed several representations before the authorities concerned, but the said representations have not been disposed of till date.

Let the above representations of the petitioner be considered and decided in accordance with law by the authorities concerned within a period of two months



from the date of receipt/production of a copy of this order.

The writ petition is accordingly disposed of with the direction aforesaid.”

6. The District Magistrate-cum-District Collector, Patna, was required to comply the orders of this Court dated 21.11.2019 passed in C.W.J.C. No.22925 of 2019 read with the petitioner’s representation. It is reliably learnt that the office of the District Magistrate received the orders of this Court in the month of December, 2019. Thereafter, it should have been complied within a period of two months from the date of receipt of the order dated 21.11.2019 passed in C.W.J.C. No.22925 of 2019. It is also reliably learnt that the District Magistrate has directed or gave instruction to the concerned officials. Thereafter, there is no supervision or what happened to the implementation of the orders of this Court dated 21.11.2019 passed in C.W.J.C. No.22925 of 2019 till 27.09.2023. Further it is to be noted that if there was any difficulty in implementation of the orders of this Court dated 21.11.2019 passed in C.W.J.C. No.22925 of 2019, the District Magistrate had option of submission of interlocutory application in C.W.J.C. No.22925 of 2019 in seeking extension of time. No such application has been made.



7. The learned counsel for the State submitted that during the COVID period from March, 2022 to April, 2022, they were exempted in implementation of the orders of this Court. It is to be noted that such contention is only an excuse, for the reasons that the orders of this Court dated 21.11.2019 passed in C.W.J.C. No.22925 of 2019 was required to be implemented within a period of two months. Two months have lapsed before March, 2020. Assuming that respondents are entitled to have a benefit of condonation of delay in implementation of the orders of this Court dated 21.11.2019 passed in C.W.J.C. No.22925 of 2019 in the light of COVID period from March, 2022 to April, 2022, still the orders of this Court has been implemented on 22.09.2023, i.e., more than one year from the relaxation of COVID SOP for which there is no explanation. Delay in implementation is being examined in the Secretariat for taking disciplinary action against those officials who are all responsible in not implementing orders of this Court within the time limit.

8. Be that as it may, if Respondent-Officer seeks or tenders apology in such circumstances Apex Court laid down certain principles in the case of **Arun Kumar Yadav Vs. State of U.P. (2013) 14 SCC 127** Read with **L.D. Jaikwal Vs. State**



of U.P. (1984) 3 SCC 405. These decisions are against Respondent-Officer insofar as apology and to drop the proceedings.

9. Taking note of these dates and events, we propose to impose the fine of Rs.50000/-. Fine amount shall be remitted in the Patna High Court Legal Services Authority from the office of the District Magistrate-cum-District Collector, Patna within a period of two months from the date of receipt of this order.

10. Accordingly, the present M.J.C./Contempt Petition stands dropped reserving liberty to the petitioner to assail the order dated dated 22.09.2023, if it is disadvantage to him and in accordance with law.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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