

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2307 of 2021

In
Civil Writ Jurisdiction Case No.8503 of 2021

Patna Zila Sudhar Samitee through its Secretary, Rakesh Kapoor, Male, Aged about 62 years, son of Late Raghubir Prasad Khatri, Resident of Hari Mandir Gali, P.S.- Chowk, Patna City, Dist- Patna.

... .. Petitioner.

Versus

1. The State of Bihar through Mr. Tripurari Sharan, the Chief Secretary, Govt. of Bihar, Patna.
2. Mr. Anand Kishore, the Principal Secretary, Nagar Vikash and Awash Vibhag, Govt. of Bihar, Patna.
3. Mr. S. Sidarth, the Principal Secretary, Deptt. of Finance, Govt. of Bihar, Patna.
4. Mr. Animesh Kumar Parashar, the Commissioner, Patna Municipal Corp. Patna.
5. Mr. Deobart Kumar, the Project Manager, Sparrow Softec Pvt. Ltd., Patna.
6. Smt. Sita Sahu, the Presiding Officer Sasakt Samittee, Patna Municipal Corp., Patna.

... .. Opposite Parties.

Appearance :

For the Petitioner	:	Mr. Sanjay Kumar, Advocate.
For the State	:	Mr. Ashutosh Kumar Upadhyaya, AC to SC-9.
For the Patna Municipal Corporation	:	Mr. Bindhyachal Singh, Senior Advocate.

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

ORAL ORDER

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

5 08-12-2023 The present M.J.C. petition is filed for non-compliance of the Court order dated 19.07.2021 passed in C.W.J.C. No.8503 of 2021.

2. On 24.11.2023, the following order was passed:

“Orders of this Court dated 19.07.2021



passed in C.W.J.C. No. 8503 of 2021 has not been complied.

2. The present MJC is filed in the year 2021. Despite these many years, the concerned respondents have failed to comply the orders of this Court dated 19.07.2021 passed in C.W.J.C. No. 8503 of 2021, therefore, the Commissioner, Patna Municipal Corporation is hereby directed to appear, in person, with the relevant records. On the next date of hearing to face contempt of Court proceedings under Rule 7(i) read with Form 1 of Chapter XXVIII of Rules of the High Court at Patna framed under the Contempt of Courts Act, 1971 (Act 70 of 1971).

3. Relist this matter on 08.12.2023.”

3. Today, Mr. Animesh Kumar Parashar, Commissioner, Patna Municipal Corporation, Patna, is present in the Court.

4. Learned counsel for the Corporation, on instructions, submitted that the orders of this Court has been complied on 16.02.2023. Despite lapse of about 9 months after compliance, the Commissioner has not apprised this Court relating to compliance through the panel counsel for the



Corporation. In other words, he has no regards to the Court orders. In fact, there is delay of about one year and few months in complying the orders for which also there is no explanation. In fact in all fairness, if there is any administrative inconvenience in complying the orders of this Court, he should have filed an application for extension of time to comply the order dated 19.07.2021 passed in C.W.J.C. No.8503 of 2021. Even though he was not in office as on 19.07.2021. However, he is stated to have been assumed charge of the office of the Commissioner, Patna Municipal Corporation, Patna, on 26.11.2021. At that point of time, he could have undertaken the review of the administration in order to ascertain which are the Court matters pending and what are the action required to be taken by him. These things are not undertaken by him and the fact that there is delay of about more than one year in complying the orders of this Court and further nine months in apprising this Court relating to compliance which has compelled this Court to summon him on 24.11.2023. Even though orders of this Court has been complied on 16.02.2023, instead of initiating the Contempt of Courts proceedings like framing of the charge and consequential proceedings it suffice to impose cost and it is quantified at Rs.20,000/-. Cost shall be paid from his pocket



since he was holding the office of the Commissioner, Patna Municipal Corporation, Patna from 26.11.2021 and he has complied the orders only on 16.02.2023 and the same was not brought to the notice of this Court till today. Cost shall be paid in the High Court Legal Services Authority, Patna High Court, Patna within a period of eight weeks from today.

5. Re-list this matter on 02.02.2024 to ascertain whether the present order has been complied by the Commissioner, Patna Municipal Corporation, Patna or not?

6. Accordingly, the present M.J.C./Contempt Petition stands dropped reserving liberty to the petitioner to assail the order dated 16.02.2023, in accordance with law.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

P.S./-

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