

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.437 of 2022

In

Civil Writ Jurisdiction Case No.10281 of 2020

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Mritunjay Pandey Son of Bipin Bihari Pandey Resident of Banket Mushahari,
Ward No. 3, P.S. - Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

1. Mrs. Vijaya Lakshmi Nadendla, The Principal Secretary, Cane Industry Department of Bihar, Patna.
2. Sri Giriwar Dayal Singh, The Cane Commissioner, Department of Cane Industry, Bihar, Patna.
3. The Joint Commissioner (Accounts), Department of Finance, Government of Bihar, Patna.
4. Mr. Shahid Parwez, The Deputy Director, Cane Development, Department of Cane Industry, Bihar, Patna.
5. Mr. Ramadhari Majhi, The Assistant Director, Cane Development, Department of Cane Industry, Bihar, Patna.
6. Sri Ramawatar Sharma, The Accountant General, Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary
For the State : Mr.Yogendra Prasad Sinha (Aag 7)
For the Accountant General : Mr. Arun Kumar Arun, Adv

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 15-03-2024

The present MJC is filed for non-compliance of
the order dated 21.06.2021 passed in CWJC 10281 of 2020.

On 19.02.2024, the following order was passed:

The Cane Commissioner has passed order dated 08.04.2022 in the guise of implementation of the order of this Court dated 21.06.2021 passed in CWJC No. 10281 of 2020. However, the petitioner has not been heard to the extent of providing principle of natural



justice as observed by this Court in the order dated 21.06.2021 at page No. 3 at point (c), therefore, the petitioner is hereby directed to appear before the Cane Commissioner on 02.03.2024 at 3:00 pm.

2. The petitioner is at liberty to file written submission and so also oral submission, if any. Taking note of such representation and written submission and oral submission, if any, the Cane Commissioner is hereby directed to pass a detailed speaking order after due consideration of each of the submission made by the petitioner and proceed to pass fresh order and communicate the same to the petitioner. Such speaking order shall be placed on record before the next date of hearing.

3. Relist this matter on 14.03.2024.

2. Today, learned counsel for the State-respondent pointed out in compliance to the aforementioned order a detailed speaking order has been passed on 02.03.2024 vide Annexure -B (series). The same is taken note of. Accordingly, the present MJC stands dropped, reserving liberty to the petitioner to assail the order dated 02.03.2024 before appropriate forum and in accordance with law.

3. Order dated 21.06.2021 was stated to have been complied on 08.04.2022 and it was totally contrary to the order of this Court dated 21.06.2021 thereafter 02.03.2024 order has been passed. Thus, there is a delay and so also there is total non-application of mind by the concerned



authority who has passed the order on 08.04.2022 in not taking note of the direction of this Court dated 21.06.2021 in toto. Accordingly, petitioner is entitled to litigation cost and it is quantified @ Rs. 5,000. Cost shall be paid to the petitioner within a period of eight weeks from today.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2024
Transmission Date	NA

