

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1217 of 2020

In
Civil Writ Jurisdiction Case No.16965 of 2018

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Md. Sayeed Siddique Son of Md. Sallauddin Resident of Village- Purani Bazar, Ramnagar, P.S.- Ramnagar, and District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. Kundan Kumar Son of not known District Magistrate, West Champaran.
3. Vishal Raj Son of not known Sub-Divisional Officer, Bagha Commissioner, West Champaran.
4. Gupteshwar Pandey Son of not known Director General of Police, Patna, Bihar.
5. Arbind Kumar Gupta Son of not known Superintendent of Police-cum-District Chairman, Bagha, District Police, West Champaran.
6. Arjun Lal Son of not known Deputy Superintendent of Police-cum- Sub-Divisional Deputy Cairman, Ramnagar, Bagha, District- West Champaran.
7. Jitendra Kumar Sinha Son of not known Executive Officer, Nagar Panchayat- cum- Town Panchayat, Ramnagar, West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Mohammed Abu Haidar, Advocate
For the Opposite Party/s :	Mr. P.K Verma, AAG-3
	Mr. Saroj Kumar Sharma, AC to AAG-3
For the Respondent No.7 :	Mr. Sudhanshu Prakash, Advcoate
	Mr. Prabhakar, Singh, Advcoate

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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 16-01-2024 The present MJC is filed for non-compliance of

the order dated 06.01.2020 read with representation

dated 17.01.2020. To begin with petitioner was asked to

submit his representation within a period of four weeks



from 06.01.2020 and petitioner had submitted representation on 17.01.2020. Thereafter, the concerned Official – Respondents were required to decide the petitioner's representation within a period of three months, in other words, on or before 26.04.2020. The concerned authority should have decided the petitioner's representation whereas, the order of compliance is dated 12.01.2024.

2. Learned counsel for the State submitted that during pendency of C.W.J.C No. 16965 of 2018, certain correspondence was being made among the S.D.M and District Magistrate-cum-Collector in order to ascertain, *prima facie*, who are all responsible in respect of purchase of certain materials like Dustbin, Thela, etc., which is alleged to be at the higher rates. The S.D.M is stated to have issued certain material information to the Jurisdictional District Magistrate. The District Magistrate is stated to have forwarded the material to the Additional Chief Secretary, Urban Development Department for taking further action. The then District



Magistrate slept over the matter for about nearly four years as is evident from the communication, Office of the District Magistrate dated 14.04.2023 read with 04.01.2024 address to the Additional Chief Secretary, Urban Development Department.

3. Perusal of the documents, it is evident that there is inaction in the office of the District Magistrate as well as in the office of the State Government in not complying the orders of this Court. Even to this date, it is only recommendation for taking action, however, action has not been taken for the last about four years. In other words, the officials are tossing the file from one office to another office. There is no seriousness in taking decision by the competent authority to take action against such of those persons who are alleged to have purchased Dustbin, Thela, etc., at higher rates. We hope Additional Chief Secretary, Urban Development Department will give quietus to the grievance of petitioner within a period of three months.

4. The petitioner is entitled to litigation cost



and it is quantified at Rs. 10,000/- (Ten thousand). Cost shall be paid by the State Government within a period of eight weeks from today. If there is inaction on the part of the State Government, in that event, petitioner is at liberty to file interlocutory application to revive this order after three months.

5. Accordingly, M.J.C - Contempt Petition stands dropped.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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