

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1265 of 2022

In
Civil Writ Jurisdiction Case No.2024 of 2021

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Sanjay Singh Advocate son of Late Bidya Nath Singh, resident of Bara Phatak Road, Near Budh Murti, Lohanipur West, Police Station Kadamkuan, District Patna 800003.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Vivek Kumar Singh, son of not known to the petitioner at present Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. Sanjay Agarwal, son of not known to the petitioner at present Commissioner, Patna Division, Patna.
4. Dr. Chandra Shekhar Singh son of not known to the petitioner at present District Magistrate/Collector, Patna.
5. Richie Pandey, son of not known to the petitioner at present The Deputy Development Commissioner, Patna.
6. Navin Kumar, son of not known to the petitioner at present the Sub Divisional Officer Patna Sadar, Patna.
7. Nanad Kishore Prasad Nirala, son of not known to the petitioner at present the Circle Officer, Sampatchak, District Patna.
8. Pramod Kumar son of not known to the petitioner at present the Secretary, Bihar School Examination Board, Bihar, Patna.
9. Amit Kumar, son of not known to the petitioner at present the District Education Officer, Patna.
10. Madan Bihari Singh, son of Late Lalji Singh, resident of Village Taranpur, Police Station Gaurichak, District Patna.
11. Subhash Chandra Sinha, son of Madan Bihari Singh, resident of Village Taranpur, Police Station Gaurichak, District Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Sinha 2, Advocate

For the Opposite Party/s : Mr. Sajid Salim Khan, SC25

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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 04-01-2024 The present MJC (contempt petition) is filed
for non-compliance of the order dated 28.06.2021 passed in
C.W.J.C. No.2024 of 2021.

2. Matter was heard at length on 13.12.2023
and the following order was passed:-

“Pursuant to our previous order dated 29.11.2023, the Circle Officer, Sampatchak, Patna is present and filed show cause on behalf of Opposite Party Nos. 4 to 7 along with documents (Annexure R/A to R/D).

2. *Perusal of the compliance, it is evident that petitioner has not been heard.*

3. *On instruction, learned counsel for the respondents submitted that over telephone, petitioner was called for his appearance to hear in the matter and he refused.*

4. *Such statement cannot be taken note of in the absence of specific notice of date and time of appearance. Further, on refusal to telephonic communication. In all fairness, concerned respondent should have resorted to initiate show cause notice for his appearance, even then he fails one can understand that there is lapses on the part of this petitioner. Therefore, the impugned order dated 09.12.2023 stated to be complied, the compliance order cannot be accepted in the absence of providing opportunity of hearing*



to the petitioner.

5. *Therefore, the concerned authority is hereby directed to hear the petitioner and proceed to pass an order afresh.*

6. *The petitioner is hereby directed to appear before the concerned authority on 23.12.2023 at 03:00 PM. The petitioner is also permitted to file his say in written or oral submission. The same shall be taken note by the competent authority and proceed to pass order afresh and place on record before the next date of hearing. So also communicate the order to the petitioner.*

7. *Personal appearance of the Circle Officer, Sampatchak, Patna, stands dispensed in the event of passing an order afresh before the next date of hearing, failing which, she shall be present in the Court along with complete records.*

9. *Re-list this matter on 04.01.2024.”*

3. Today, learned counsel for the State-respondent submitted that detailed speaking order has been passed on 03.01.2024, taking note of the later development.

4. We proceed to drop the contempt proceedings. Reserving liberty to the petitioner to assail the order dated 03.01.2024, in the event of dissatisfied with the



aforementioned order dated 03.01.2024 before the appropriate
forum in accordance with law.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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