

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1805 of 2021

In
Civil Writ Jurisdiction Case No.15475 of 2016

=====

Vikas Chandra Guddu Baba, S/o Late Ramashraya Prasad Singh, presently residing at Mahatma Gandhi Path, Kurji – Baluper, P.O. - Sadakat Ashram, P.S. - Digha, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Chaitanya Prasad, The Home Secretary, Department of Home, Govt. of Bihar, Old Secretariat, Patna.
3. Sri Sanjeev Kumar Singh, The Director General of Police, Department of Home, Govt. of Bihar, Patna.
4. Sri Sanjay Agrawal, The Divisional Commissioner, Patna.
5. Sri Chandra Shekhar Singh, The District Magistrate, Patna.
6. Sri Upendra Kumar Sharma, The Senior Superintendent of Police, Patna.
7. Sri D. Amar Kesh, The Superintendent of Police, Traffic, Patna.
8. Sri Himanshu Sharma, The Commissioner, Patna Municipal Corporation, Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Basant Chaudhary, Sr. Advocate
For the State	:	Mr. Saroj Kumar Sharma, AC to AAG – 3
For the PMC	:	Mr. Prasoon Sinha, Advocate

=====

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

ORAL ORDER

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

6 03-01-2024 The present contempt petition is filed for non-compliance of interim order dated 25.03.2019 passed in CWJC No. 15475 of 2016. During pendency of the present MJC contempt petition, CWJC 15475 of 2016 and connected matters were decided finally on 22.09.2023 therefore, whatever the



interim order passed on 25.03.2019 stands merged with the final order dated 22.09.2013 in the light of Apex Court decision in the case of **Kalabharati Advertising Vs. Hemanth Vimal Nath Narichania** reported in **(2010) 9 SCC 437**.

2. In view of the above factual aspect what remains in the present petition is whether interim order has been given effect to by the concerned authority or not.

3. Learned counsel for the petitioner with reference to page 5 of the order dated 25.03.2019 passed in CWJC No. 15475 of 2016 submitted that intervenors grievance was required to be redressed by the official respondents insofar as resettlement of such genuine claimants who are stated to have been settled by the authorities themselves as per the supplementary counter affidavit filed. The aforementioned interim direction is impracticable to implement in the absence of any policy decision of the State Government insofar as providing resettlement of such of those genuine claimants who have occupied certain land illegally and they have been displaced, in other words, rehabilitation of certain vegetables vendors. In the absence of any policy decision of the State Government, question of resettlement of such of those persons whose grievance was required to be redressed in contempt



matter is not permissible. We are of the view that whatever the observation made on page 5 of the order dated 25.03.2019 is only an observation. In other words, if any such direction is to be given to the State Authorities, in that event particular persons must have vested right and it has been violated or not is to be considered. In this regard it is necessary to quote Apex Court decision in the case of **Mani Subrat Jain V. State of Haryana** reported in **(1971) 1 SCC 486** in which Apex Court had an occasion to deal with Writ of Mandamus. For issuance of any writ of mandamus or a direction under Article 226 one must be having vested right and simultaneously public authority must have statutory duty to examine the grievance of such of those persons. The petitioners could not apprise this Court with reference to any statutory policy decision of the State Government to the extent that certain vested right is available to the petitioner, so as to command the official respondent to redress the grievance read with the interim order dated 25.03.2019 on page 5. Therefore, scope of contempt is limited. Sometimes Court orders or directions cannot be implemented for want of policy decision or statutory rule, in other words, impracticable to implement orders of the Court does not amount to contempt of Court.



4. Accordingly, the present contempt petition stands dropped reserving liberty to the petitioner to approach the concerned authorities for any other grievance, if still to be considered.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

saaurabhkr/-

U			
---	--	--	--

