

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.80 of 2021

In

Civil Writ Jurisdiction Case No.8717 of 2019

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1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
 2. The Principal Secretary, Department of minor Irrigation, Government of Bihar, Patna.
 3. The Deputy Secretary, Department of Irrigation, Government of Bihar, Patna.
 4. The Chief Engineer, Minor Water Resources Department, Bhagalpur.
 5. The Chief Engineer, Minor Water Resources Department, Muzaffarpur.
 6. The Executive Engineer, Minor Irrigation Division, Supal.
 7. The Executive Engineer, Minor Irrigation Circle, Saharsa.
 8. Superintending Engineer, Minor Irrigation Circle, Saharsa.

... .. Appellant/s

Versus

1. Bisheshwar Jha Son of Jainarayan Jha, Resident of Village - Parari, P.S. Bangaon, District - Saharsa, Presently residing at R/M- House No. 223, Krishna Nagar, Batraha, Ward No. 23, P.S. District - Saharsa.
2. Yogendra Prasad Yadav, Son of Anant Prasad Yadav, Resident of Village - Ward No. 34, P.O. and P.S. - Saharsa, District - Saharsa.
3. Tripurendra Narayan Singh, Son of Late Satrugan Prasad Singh, Resident of Village - Sahmaura, P.O. - Sahrpur, P.S.- Sonbarsa, District - Saharsa.
4. Sudhakar Prasad Singh, Son of Late Sonelal Singh, Resident of Village - Deora, Ward No. 5, P.O. - Patsa, P.S. Hasanpur, District - Samastipur.
5. Rajendra Prasad Singh, Son of Ganesh Prasad Singh, Resident of Village - Dahiwar, P.S. Buxar, District - Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajit Kumar, Advocate

For the Respondent/s : Mr.Prafull Chandra Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 10-04-2024

Pursuant to our order dated 20.03.2024, there is
serious and glaring error committed by Chief Engineer, Minor



Water Resources, Department, Bhagalpur one of the appellant, who had filed supplementary counter affidavit on behalf of answering Respondents No. 1 to 4 and 6 to 8 without even verifying whether State and others are appellants, in other words, their ranking in the L.P.A. No. 80 of 2021 is Appellants and not Respondents and the counsel representing him. Today, officer Mr. Jagannath Paswan, Chief Engineer, MWRD, Bhagalpur, is present through VC. They filed I.A. No. 04 of 2024 furnishing explanation as to how such serious error has been committed by the officer and counsel. Similarly, I.A. No. 05 of 2024 has been filed to recall the supplementary show cause stated to be inadvertently filed.

2. In I.A. No. 04 of 2024, reasons assigned for such glaring error in filing supplementary counter affidavit with reference to Respondent No. 1 to 4 and 6 to 8. It is stated that it was a mistake. In Para 4, it is stated that panel advocate appointed by the department for smooth functioning of the Court proceedings. However, at every stage such glaring error was not noticed by more than two officers and learned advocate appearing for the concerned officer. Therefore, it is clear case for initiation of proceedings under Section 340 of Cr.P.C.

3. Instead of initiating proceedings under Section 340 of Cr.P.C., we propose to impose fine and it is quantified at Rs. 50,000/- (Rupees Fifty Thousand). Cost shall be



paid by *Shri Jagannath Paswan*, Chief Engineer, MWRD, Bhagalpur from his pocket and not from the department and it shall be remitted in the High Court Legal Services Authority within a period of eight weeks from today.

4. Accordingly, I.A. 04 and 05 of 2024 stands disposed of.

5. The present appeal is filed in assailing the order dated 15.06.2020 passed in C.W.J.C. No. 8717 of 2019.

6. On the previous occasion, the State Counsel - appellant was directed to verify as to whether State has preferred L.P.A. in C.W.J.C. No. 3620 of 2014 decided on 03.10.2017 or not. He had clear instruction that department have not preferred Civil Review or L.P.A. or any petition before the Hon’ble Supreme Court.

7. In view of these later development, the present L.P.A. No. 80 of 2021 stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19.04.2024.
Transmission Date	N/A

