

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2026 of 2021

In
Civil Writ Jurisdiction Case No.14685 of 2018

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Jagan Prasad Son of Saryu Prasad @ Saryu Bhagt, resident of Village
Ganghar, P.O. Charan P.S. Mali District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Sri Deepak Kumar, Chief Secretary, Home
Department, Bihar, Patna.
2. Shri Sourabh Jorwal The District Magistrate, Aurangabad.
3. Sri Vijoyant Kumar, The Sub-Divisional Officer, Aurangabad.
4. Sri Om Rajput, The Circle Officer Navinagar, Block P.O. and P.S.
Navinagar, District Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Opposite Party/s : Mr. P.K. Shahi, Advocate General

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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 : 25-04-2024

The present MJC-contempt petition is filed for non-compliance of the order dated 06.01.2020 passed in CWJC No. 14685 of 2018. Whereas the present MJC-contempt petition was filed in the year 2018, on the other hand, concerned respondents have complied order of this Court only on 14.03.2024. Further, for execution of removal of encroachment certain directions have been sought by the concerned authority with the State Government in the guise of providing alternative arrangement to such of those



illegal encroachers. At this stage, Lok Sabha Election Code of Conduct was introduced, therefore, the concerned authority is unable to implement the orders of execution of removal of encroachment and it has been deferred.

2. We find *prima facie* the concerned authorities have committed contempt. Having regard to the undertaking given in the supplementary show cause dated 20.04.2024 we proceed to drop the proceedings subject to payment of cost of Rs. 10,000/- to the petitioner. Cost has been imposed for the reasons that there is an inaction on the part of the official respondent for about nearly four years. Even excluding two years during the COVID Period still from March, 2022 to March, 2024 there is a delay of two years. Further, there is no application for extension of time to implement the orders of this Court passed in the year, 2020.

3. If the concerned respondent failed to comply the remaining portion of the order with reference to the supplementary show cause along with the affidavit dated 20.04.2024 by the concerned authority. The concerned authority is hereby directed to pay cost of Rs. 25,000/- to the petitioner. Such cost shall be paid to the petitioner from his or her pocket and not from the State Government. At the same time, petitioner is at liberty to file interlocutory application to revive this order in the event of non-



compliance of remaining portion of the order or decision of the concerned authority before 30th June, 2024.

4. With the aforesaid observations, the present MJC-contempt petition stands disposed off.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

Vikash/-

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

