

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2289 of 2023

In
Letters Patent Appeal No.528 of 2022

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In Suo Motu Cognizance taken by the Honble Court for initiation of contempt proceeding vide Honble Courts order dated 13.08.2023 passed in L.P.A. No. 528 of 2022

... .. Petitioner/s

Versus

1. Animesh Kumar Parashar Son of Madheshwar Prasad Singh Resident of Mohalla- Shivam Health Club, Opposite P.C. Jewellers, Boring Road, Patna, Municipal Commissioner, Patna Municipal Corporation, Maurya Lok, Dak Bunglow Road, P.S. Kotwali, District- Patna.
2. Sheela Irani Daughter of Sri Lal Bahadur, The Additional Municipal Commissioner, Patna Municipal Corporation, Maurya Lok, Dak Bunglow Road, P.S.- Kotwali, District- Patna.
3. Prabhat Ranjan Son of Sri Ravindra Nath Pathak, The Executive Officer, New Capital Circle, Patna Municipapl Corporation, Patna.
4. Sri Vijay Kumar Son of Sri Bachchu Prasad Singh The Executive Engineer, Patna Municipal Commissioner, Patna.
5. Md. Shamshad Son of Md. Jakir Hussain, The Project Director, Patna Smart City, Patna.

... .. Opposite Party/s

with

Letters Patent Appeal No. 528 of 2022

In

Civil Writ Jurisdiction Case No.12578 of 2019

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Shailja Vajpei Wife of Sri Shashank Shekhar, Resident of House No. L 3/1(B), Sri Krishnapuri, P.S. Sri Krishnapuri, District Patna.

... .. Appellant/s

Versus



1. The Patna Municipal Corporation through Municipal Commissioner, Maurya Lok, Dak Bungalow Road, Police Station- Kotwali, District- Patna.
2. The Municipal Commissioner, Patna Municipal Commissioner, Maurya Lok, Dak Bungalow Road, Police Station- Kotwali, District- Patna.
3. The Additional Municipal Commissioner, Patna Municipal Commissioner, Maurya Lok, Dak Bungalow Road, Police Station- Kotwali, District- Patna.
4. The Executive Officer, New Capital Circle, Patna Municipal Corporation, Patna.
5. The Executive Engineer, Patna Municipal Commissioner, Patna.
6. The Project Director, Patna Smart City, Patna.

... .. Respondent/s

Appearance :

(In Miscellaneous Jurisdiction Case No. 2289 of 2023)

For the Petitioner/s : xxxxxxxxxxxx

For the Opposite Party/s : Mr.

(In Letters Patent Appeal No. 528 of 2022)

For the Appellant/s : Mr. Shravan Kumar, Sr. Adv.

Mr.Krishna Kumar Singh

For the Respondent/s : Mr. P.K. Shahi, Advocate General.

Mr. Bindhyachal Singh, Sr. Adv.

Mr. Vipin Kumar, Adv.

Ms. Smriti Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

- 18 02-02-2024 1. Apropos the order dated 12.01.2024, by which
- time was given to Mr. Shravan Kumar, the learned
- senior Advocate, he has filed his reply.
2. We have perused the show-cause reply filed by



the proposed contemnors as also the response to it by Shri Kumar.

3. To recapitulate, the writ petition preferred by the original petitioner was dismissed by a learned Single Judge on two counts viz. the petitioner not having come with clean hands and with necessary documents to establish her case; and secondly that such issues were beyond the realm of Article 226 jurisdiction.

4. When the matter came up before the Division Bench in appeal, an initial objection was sounded that if the issues raised were only factual, which could not have been decided in a writ jurisdiction, there was no necessity for the learned Single Judge to put a kibosh on the claims of the writ petitioner.

5. *Prima facie*, it was found that though there was nothing on record to establish the claim of the appellants (original writ petitioner) because of paucity of documentary evidence but on the asking of the learned Sr. Advocate appearing for Patna



Municipal Corporation that he shall debunk the claim of the writ petitioner/appellant, time was given and the Patna Municipal Corporation was retrained from taking any precipitate action.

6. Nothing of that kind was done by the Patna Municipal Corporation.

7. The matter travelled to a different Bench for final determination, whereafter the arguments were advanced on behalf of the parties and the appeal was fixed for judgment on a particular day. A day before that date, the building of the writ petitioner was demolished. When such report was published in the newspapers, the Bench which had heard the matter and had reserved the judgment took up the matter *suo motu* and initiated a contempt proceeding against the proposed contemnors.

8. The Commissioner, Patna Municipal Corporation deposed before the Court on oath, which proceedings were made part of this contempt case. Thereafter, the matter was transferred to this



Bench for the reason that the initial order of stay was passed by this Bench.

9. Though, we find that the demolition of the building of the original writ petitioner was in contempt of this Court's order as also of the Bench which had heard the matter and had reserved the judgment, but on going through the response of the proposed contemnors, it appears to us that there could be a possibility of miscommunication. We do reckon that the explanation offered by the proposed contemnors has not been happily worded but the intentions appear to be clear. Either it was a knee-jerk reaction of the officers to clear the way for completing some project or of miscommunication that the L.P.A. has already been dismissed. In any case, the action of the proposed contemnors was hasty and cannot be countenanced on any score, regardless of the merits of the case of the original writ petitioner and the Patna Municipal Corporation.

10. The last of the affidavits offered by the



proposed contemnors reflect their remorse and their anxiety to offer compensation for the losses suffered by the writ petitioner.

11. A ball-park assessment was made by the proposed contemnors regarding the quantum of loss, which, in the first sight appeared inadequate to us. On pointing this to the learned Advocate General, he was instantly ready to hike up the quantum of compensation and agreed for payment of Rs. 5,00,000/- to the original writ petitioner. We find such response of the proposed contemnors to be reflective of their regret of having breached the High Court's order as also of their efforts to improve upon themselves for their future dispensation.

12. Thus, taking into account the response of the proposed contemnors, we deem it appropriate to conclude this contempt proceeding with the caveat that the amount of Rs. 5,00,00/- be paid to the original writ petitioner within a period of two weeks without fail.



13. The M.J.C. petition stands disposed of accordingly.

L.P.A. No. 528/2022.

14. Let the aforesaid appeal (L.P.A. No. 528/2022) be posted for final determination on 23rd of February, 2024.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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