

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1860 of 2022

In
Civil Writ Jurisdiction Case No.16541 of 2021

=====

Wakil Yadav S/o Late Kantir Yadav, Resident of Village- Kanakpur, P.S.-
Sakri, District- Madhubani.

... .. Petitioner/s

Versus

Mr. Nandan Kumar the present and the then Circle Officer, Pandaul, District-
Madhubani.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. S. K. Thakur, Advocate
For the Opposite Party/s : Mr. Rishi Raj Sinha, SC 19

=====

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

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

Date : 24-01-2024

The present MJC / contempt application is filed for non-compliance of the order of this Court dated 20.09.2021 passed in CWJC No. 16541 of 2021.

2. This Court has directed petitioner to submit a representation within a period of four weeks. Accordingly, the petitioner had submitted representation on 11.10.2021 in respect of illegal encroachment. Such representation was required to be decided within a period of four weeks from the date of receipt of petitioner's representation. In other words, the concerned authority



was required to comply the order of this Court read with petitioner's representation on or before 10.02.2022.

3. For non-compliance of the order of this Court, petitioner has presented this MJC / contempt application. During pendency of the MJC / contempt application, petitioner entered into compromise with the illegal encroachers on 01.08.2022.

4. Having regard to the dates and events, it is a clear case of blackmailing illegal encroachers and entering into compromise. It is to be noticed that CWJC No. 16541 of 2021 is a Public Interest Litigation. The petitioner resorted to arm twisting the illegal encroachers to the extent of filing Public Interest Litigation, contempt of Court petition and then entering into compromise for extraneous reasons. Therefore, it is fit case for imposition of exemplary cost on the petitioner and it is quantified at Rs. 25,000/- (Rupees Twenty Five Thousand). Cost shall be remitted in the Patna High Court Legal Services Committee within a period of two months from today.

5. If the petitioner fails to pay the cost, in that event, the concerned District Magistrate is hereby directed to recover through revenue proceedings within a period of six months from the date of non-compliance of this order.



6. Accordingly, the present MJC / contempt application stands disposed with an observation to the concerned authorities to remove the illegal encroachments physically within two months from today.

7. Relist this matter after three months to verify whether petitioner has complied the order of this Court or not and officials physically removed illegal encroachments or not?

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.01.2024
Transmission Date	NA

