

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2347 of 2023

In
Civil Writ Jurisdiction Case No.15562 of 2017

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Uday Shankar Singh S/o Late Mahendra Singh R/o Juran Chapra, Road No-5,
Ward No. 3, P.S.- Brahampura, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Urban Development Department, Government of Bihar, Patna namely Sri Arunish Chawla, Son of not known.
2. Sri Arunish Chawla, Son of Not known, The Principal Secretary (Now Additional Chief Secretary), Urban Development Department, Government of Bihar, Patna,
3. Sri Navin Kumar, Son of Not known, The Muzaffarpur Municipal Corporation through the Commissioner, Muzaffarpur.
4. Sri Navin Kumar, Son of Not known, The Executive Officer, Nagar Nigam, Muzaffarpur.
5. Sri Navin Kumar, The Officer in Charge, Brahampura Police Station, Muzaffarpur.
6. Uma Shankar Singh, S/o Late Mahendra Singh, At- Juran Chapra, Road No. 5, Ward No.3 (Old) 4 (New), P.O.- M.I.T., Muzaffarpur, P.S.- Brahampura, Muzaffarpur. Dist.-Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Krishna Kant Singh
For the Opposite Party/s :		Mr. Awadhesh Kumar
		Ms. Sushmita Sharma
		Mr. Nityanand Mishra
		Mr. Abhishek Mishra, Adv

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 7 20-09-2024 1. Heard learned counsel for the petitioners, learned counsel appearing on behalf of the Muzaffarpur Municipal Corporation, Shri Awadhesh Kumar, learned counsel on behalf of State, Ms. Sushmita Sharma and the learned counsel appearing on behalf of the OP No. 6, Shri. Nityanand Mishra.



2. The learned counsel appearing on behalf of the OP No. 2 submits that the instant contempt application has been filed for initiating a proceeding of contempt against the opposite parties, especially opposite party numbers 3, 4 and 5 for willfully violating the order dated 22-3-2023 in CWJC No. 15562 of 2017.

3. It is next submitted that CWJC No. 15562 of 2017 was filed by the petitioner seeking a direction upon the Muzaffarpur Municipal Corporation to dispose of his representation dated 22-4-2017 (Annexure-8 to the writ application) wherein a prayer was made before the Municipal Commissioner that he should implement its own order dated 25-3-2017. It is next submitted that the CWJC No. 15562 of 2017 was disposed of with a direction to the Municipal Commissioner Muzaffarpur to dispose of the representation of the petitioner within a period of 3 months from the date of receipt/production of a copy of the order dated 22-3-2023.

4. It is next submitted that when order dated 22-3-2023 in CWJC No. 15562 of 2017 was not complied, thereafter the instant contempt application was filed. It is also submitted that in garb of the order dated 25-3-2017, the Corporation has demolished the constructed portion of the house of the OP No. 6



in excess. It is further submitted that in sum and substance what the Corporation has done is that in order to implement its own order the Corporation has exceeded in demolishing even that part of the building of the OP No. 6, which was not in consonance with the order dated 25-3-2017.

5. The learned counsel appearing on behalf of the petitioner submits that he has instructions to make submissions that till date the Corporation has not complied its order dated 25-3-2017 in its letter and spirit and six inch constructed portion is yet to be demolished.

6. The learned counsel appearing on behalf of the Municipal Corporation and the State submits that the order has been complied in its letter and spirit and in the event if the OP No. 6 is aggrieved by the act of the Corporation, in that event, he has remedies available in law.

7. At this stage, the learned counsel appearing on behalf of the OP No. 6 submits that he has applied for seeking a certified copy of the order dated 25-3-2017 on 13-9-2024, but the same till date has not been made available, on which the learned counsel appearing on behalf of the Corporation submits that the same would be made available to the OP No. 6.

8. Considering the submissions made by the learned



counsel for the parties, the Court is not inclined to pursue with the contempt application any further. The Contempt is thus dropped.

(Satyavrat Verma, J)

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