

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2958 of 2024

In
Miscellaneous Jurisdiction Case No.2498 of 2016

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Shadab Hussain, Son of Late Mohd. Abdullah Hussain @ Abdullah Farooqi,
resident of Flat no. 303 Alnoor Apartment, Khagaul Road, Opposite Mahavir
Cancer Hospital, P.S. Phulwarisharif, District Patna.

... .. Petitioner

Versus

1. The State of Bihar through Md. Sohail, Principal Secretary, Minority Welfare Department Patna.
2. Sri Dipak Kumar Singh, Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. Dr. Chandrashekhar Singh, District Magistrate, Patna.
4. Sri. Rajeev Mishra, Senior Superintendent of Police, Patna.
5. Ms. Maitryee Singh, Deputy Collector Land Reforms, Patna.
6. The Muzaffarpur Properties Private Limited, through its Managing Director, Director Shri. Amarnath, Son of Late Raghunath Pandey, Resident of Mohalla - Kachisarai, Police Station, Mithanpura, District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate
For the Opposite Party/s : Mr. Additional Advocate General 12

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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 : 26-09-2024

The present M.J.C. is filed for violation of the order
dated 27.04.2018 passed in Miscellaneous Jurisdiction Case No.
2498 of 2016. It is a short order and it reads as under:-

*“The District Magistrate, Patna and the
present incumbent for the post of D.C.L.R., Patna
are present in Court. The Court is willing to give
benefit of doubt to the District Magistrate as well as
the D.C.L.R. keeping in mind that they have joined
their respective posts recently and mischief has been
done at the level of the previous D.C.L.R. who is*



under suspension for other acts of omission and commission.

It is heartening to learn from the District Magistrate, Patna that he has apprised himself of the dispute and the previous direction of this Court and he assures the Court that the order and direction of the Court will be implemented in its true letter and spirit without any leeway being given to any authority either under him or otherwise.

Matter will now come up after summer vacation on 22nd June, 2018 when the steps taken by the District Magistrate and D.C.L.R. with regard to the issue will be made known to the Court through an affidavit.

The personal presence of the District Magistrate and the D.C.L.R. stands dispensed with now.

Show cause filed on behalf of respondent nos. 6 and 7 represented by Mr. Y.V. Giri, Senior Advocate is placed on record.”

2. Thereafter, it was finally disposed of on 28.06.2018 on the score that State preferred Appeal before the Appellate Authority in Appeal No. 2 of 2018, it was also disposed of and it was against the petitioner. Therefore, petitioner has statutory remedy before the appropriate Forum against the Appellate Authorities' orders.

3. The petitioner had cause of action for filing contempt petition on or before 26.04.2019, whereas the Contempt Petition is filed in the year 2024. Therefore, Section 20 of the Contempt of Courts Act read with Article 215 of the



Constitution would be hurdle to entertain the present belated Contempt petition. Co-ordinate Bench in the case of *Dr. Rajesh Kumar Sinha & Ors. Vs. The Union of India & Ors.* bearing *M.J.C. No. 1840 of 2023 in C.W.J.C. No. 13888 of 2016* elaborately considered Section 20 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution as to maintainability of belated contempt petition. Similar view has been taken by the Hon’ble Supreme Court in the case of *S. Tirupathi Rao Vs. M. Lingamaiah & Ors.* reported in *2024 SCC OnLine SC 1764*.

4. In view of the aforementioned judicial pronouncements, the present Contempt petition is not maintainable. Accordingly, the present M.J.C./Contempt Petition stands dropped, reserving liberty to the petitioner to file Writ petition or any other statutory remedy available against order passed by the concerned Authority, which is against the petitioner.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.09.2024
Transmission Date	NA

