

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2436 of 2022

In
Civil Writ Jurisdiction Case No.8342 of 2022

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Shiv Pujan Baitha Son of Kedar Baitha Resident of Village- Pachara Got,
P.S.- Tariyani, District- Sheohar.

... .. Petitioner/s

Versus

1. Mr. Mihiar Kumar Singh, Principal Secretary, Panchayat Raj Department, Bihar, Patna.
2. Mr. Sajjan Raj Shekhar, District Magistrate, Sheohar.
3. Mr. Krishan Mohan, Deputy Development Commissioner, Sheohar.
4. Mr. Shambhu Kumar, Additional Collector, Sheohar.
5. Smt. Sujata Ray, District Panchayat Raj Officer, Sheohar.
6. Mr. I.A. Ansari, Sub Divisional Officer, Sheohar, District- Sheohar.
7. Mr. Manoj Kumar, Block Panchayati Raj Officer-cum-Executive Officer, Panchayat Samiti Tariyani, District- Sheohar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sri Krishna Ranjan, Advocate
For the Opposite Party/s : Mr. Kumar Alok, SC 7

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

8 30-07-2024 The present MJC No. 2436 of 2022 / contempt

petition is filed for non-compliance of the order of this Court

dated 01.07.2022 passed in CWJC No. 8342 of 2022. The

petitioner was asked to submit a representation within a period

of four weeks. Thereafter, the concerned authority was

required to pass a reasoned and speaking order. Further an

observation has been made and it reads as under :



“(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;”

2. Taking note of the above direction on 04.07.2024

we have passed the following order :

“Orders of this court has not been complied as is evident from the order dated 23.01.2023. This Court in the order dated 01.07.2022 passed in C.W.J.C. No.8342 of 2022 on page 6 have fixed the terms. One of the terms is Clause (b) and (d). Clause (b) and (d) reads as under:

“(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order.

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.”

2. *Prima facie, Clause (d) has not been*



complied to the extent of issuing show cause notice to the petitioner and after hearing him and considering his version either oral or written. Therefore, S.D.M., Sheohar, has committed contempt.

3. Be that as it may, petitioner is hereby directed to appear before the S.D.M., Sheohar, on 20th July, 2024 at 03:00 P.M. Petitioner is at liberty to file written version or oral version before the aforementioned authority. Thereafter, the S.D.M., Sheohar, is hereby directed to pass a detailed and speaking order after due consideration of each of the contention in respect of the oral or written version and proceed to pass a speaking order and communicate the same to the petitioner and so also place the same before this Court on or before next date of hearing.

4. Re-list his matter on 30th July, 2024.”

3. Pursuant to our order on 23.07.2024 the concerned authority has passed an order and it has been placed on record as Annexure R – 6/D to the supplementary show cause filed on behalf of the opposite party No. 6 – Sub-Divisional Officer, Sheohar, District – Sheohar.

4. Perusal of the order dated 23.07.2024, a detailed speaking order has been passed, therefore, nothing remains in



the present contempt petition. It is also to be noted that there is no specific direction by the Co-ordinate Bench while deciding CWJC No. 8342 of 2022, in other words, directing the petitioner to submit a representation and concerned authority was required to pass a detailed speaking order.

5. Nodoubt there is inordinate delay in complying the order of this Court, resultantly, respondents have committed contempt of Court. Be that as it may, present contempt petition stands disposed of while ordering litigation cost of Rs. 5,000/- (Rupees Five Thousand). Cost shall be paid to the petitioner on account of delay in complying the order of this Court.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

GAURAV S./-

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