

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3105 of 2023

In
Civil Writ Jurisdiction Case No.19159 of 2021

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Sanjay Kumar Son of Late Upendra Thakur, Resident of Village- Basantpatti,
Police Station- Purnahia, District- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar .
2. Smt. Bandana Preyashi, Secretary Forest Department, Govt. of Bihar.
3. Mr. C.P. Khanduja, Chief Conservator of Forest Department, Govt. of Bihar.
4. Mr. Abhay Kumar Diwedi, Conservator of Forest, Muzaffarpur.
5. Ms Amita Raj, Divisional Forest Officer, Sitamarhi (Earlier Sheohar).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Kumar Dharendra Pratap Singh, Adv.
For the Opposite Party/s	:	Mr.Raghwanand GA 11
For PCCF	:	Mr.N.Jawahar Babu, IFS

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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 20-08-2024 The present M.J.C. is filed for non-compliance of the order dated 11.02.2022 passed in C.W.J.C. No. 19159 of 2021. Limited direction was to the concerned 7th respondent- Divisional Forest Officer, Sheohar to consider the representation of the petitioner within a period of 4 months from the date of filing of representation.

2. The petitioner is stated to have submitted representation. Thereafter 7th respondent slept over the matter.

3. Learned Advocate General, on instructions,



submitted that 7th respondent is not the competent authority to take action on the petitioner's grievance read with representation.

4. If it is so, in all fairness, 7th respondent should have filed review application to review the order dated 11.02.2022 passed in C.W.J.C. No. 19159 of 2021. Even after filing of the present contempt petition in the year 2023, there was inaction on the part of the official respondent either to implement the orders of this Court in favour of the petitioner or rejecting his claim. After lapse of about two and a half years, on 08.08.2024, the concerned respondent is stated to have passed an order to the extent that there are certain administrative difficulties in redressing the grievance of the petitioner, accordingly, it is stated to have been deferred. In other words, grievance of the petitioner is still to be decided as and when administrative difficulties are overcome by the concerned officers. This reason should have been assigned while communicating the communication to the petitioner to avoid the present contempt petition. On the other hand, even during pendency of the present contempt petition for last about one year, they have not acted upon. On the other hand, after summoning the officer they have opened their eyes to issue an order on 08.08.2014.



5. We have come across in number of cases without there being a contempt petition orders of this Court are not being implemented either in favour of the petitioner or against him/her. This has been deprecated in our earlier order passed on **20.04.2024 in M.J.C. No. 1283 of 2022 (Meera Singh and others Vs. The State of Bihar and others)**. Despite that, respondents are not reforming themselves insofar as implementation of orders of this Court from time to time, resultantly, contempt petitions are filed in thousands.

6. Having regard to the non-compliance, respondents are hereby directed to pay a cost of Rs. 3,000/- to the petitioner. Petitioner is at liberty to pursue his grievance since his grievance is still kept pending consideration before the concerned authority. Liberty to file fresh contempt petition, if the respondents fail to comply within a reasonable period of six months.

7. With the above observations, the present contempt petition stands dropped.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

mcv/-

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