

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2610 of 2022

In
Civil Writ Jurisdiction Case No.7250 of 2022

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Mukteshwar Yadav, Son of Late Avadh Yadav, resident of Village - Nahas
Rupauli, P.O. - Nahas Rupauli, P.S. - Bisfi, District - Madhubani.

... .. Petitioner

Versus

1. The State of Bihar, through Mr. Brajesh Mehrotra, the Principal Secretary,
Department of Land and Revenue Reforms, Bihar, Patna.
2. Mr. Arvind Kumar Verma, the District Magistrate, Madhubani.
3. Mr. Rajesh Kumar Singh Prabhakar, The Sub-Divisional Police Officer,
Benipatti.
4. Mr. Prabhat Kumar, the Circle Officer, Bisfi, District- Madhubani.
5. Mr. Amar Nath Sah, the Officer In-Charge Patauna Police Station, Bisfi,
District- Madhubani.
6. Surendra Prasad Yadav, Son of Late Ram Bilash Yadav Resident of Village -
Nahesh Rupauli, P.S. and O.P. Patauna (Bisfi), District - Madhubani.
7. Lalu Prasad Yadav, Son of Late Ram Bilash Yadav Resident of Village -
Nahesh Rupauli, P.S. and O.P. Patauna (Bisfi), District - Madhubani.
8. Lalit Kumar Yadav, Son of Late Ram Bilash Yadav Resident of Village -
Nahesh Rupauli, P.S. and O.P. Patauna (Bisfi), District - Madhubani.
9. Santosh Kumar Yadav, Son of Late Ram Bilash Yadav Resident of Village -
Nahesh Rupauli, P.S. and O.P. Patauna (Bisfi), District - Madhubani.
10. Pramod Kumar Yadav, Son of Late Ram Bilash Yadav Resident of Village -
Nahesh Rupauli, P.S. and O.P. Patauna (Bisfi), District - Madhubani.
11. Madhav Kumar, Son of Surendra Prasad Yadav Resident of Village - Nahesh
Rupauli, P.S. and O.P. Patauna (Bisfi), District - Madhubani.
12. Balram Kumar, Son of Surendra Prasad Yadav Resident of Village - Nahesh
Rupauli, P.S. and O.P. Patauna (Bisfi), District - Madhubani.
13. Gopal Yadav, Son of Surendra Prasad Yadav Resident of Village - Nahesh
Rupauli, P.S. and O.P. Patauna (Bisfi), District - Madhubani.
14. Mahesh Yadav, Son of Fochai Yadav Resident of Village - Nahesh Rupauli,
P.S. and O.P. Patauna (Bisfi), District - Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate
For the State : Mr. Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 12-11-2024

Mr. Nilesh Kumar, Circle Officer, Bisfi,
Madhubani is present.

2. On 07.10.2024, we have passed the following
orders:

“4th Respondent - the Circle Officer, Bisfi, Madhubani shall be present in the Court on the next date of hearing to hear him before imposing exemplary cost. We have come across in number of cases, the Authorities are not following the directions of this Court. In most of the cases, this Court has observed that principle of natural justice is required to be adhered to the extent that petitioner was required to be heard before passing order. The same is being deprecated and some speaking order are placed on record with the assistance of the concerned State counsel. The State counsel are not suggesting or advising their clients to the extent that there is a non-compliance to the orders of this Court. It seems they are reading the orders of this Court read with the speaking order or they are not in a position to apprise their clients to the extent that petitioner was required to be heard. On the other hand, in the Contempt of Court proceedings, we are passing orders to the concerned Authority to hear the petitioner after giving a particular date and time, thereafter,



one more speaking order is being passed. This procedure is being followed in most of the cases. Therefore, we thought of imposing exemplary cost in the present case. Before imposing exemplary cost, it is necessary to hear Circle Officer.

2. It is admitted fact that petitioner has not been heard in the matter by the concerned official, therefore, petitioner shall appear before the concerned Authority on 19th October, 2024 at 3.00 P.M. Petitioner is permitted to file his written statement as well as oral statement, if any. On such material, the concerned Authority is hereby directed to pass a fresh speaking order after due consideration on each of the contention to be raised by the petitioner and proceed to pass a fresh speaking order before the next date of hearing.

3. Copy of this order shall be communicated to the Chief Secretary, Government of Bihar, to take necessary and appropriate action in the matter.

4. Re-list this matter on 12.11.2024.”

3. Today, fresh speaking order has been passed dated 05.11.2024, the same has been placed on record as Annexure- W series along with the 2nd personal affidavit on behalf of Opposite Party No.4. These officers are not mending their ways despite repeated orders of this Court. There was no timely action taken to comply the orders of this Court. Off course, there may be administrative difficulty in passing orders



while complying the orders of this Court.

4. Be that as it may, it was bounden duty of the concerned officer to make necessary application to recall co-ordinate Bench order in seeking extension of time or filing review, instead of exercising such option/remedy, the officers are sleeping over the matter they are opening their eyes only as and when Contempt of Court petition notices were issued and they were directed to file Show Cause. In the present case, co-ordinate Bench order was required to be complied with reference to the order dated 24.06.2022 passed in C.W.J.C. No. 7250 of 2022 within a period of four months from the date of representation submitted by the petitioner i.e. on 01.07.2022. Four months have elapsed on 01.11.2022. One of the excuse sought by the Circle Officer is that he joined one year back. It is sufficient to initiate Contempt of Court proceedings for the reasons that as and when he assumed the office of the post, he should have verified pending litigations and its status other details on the other hand, he has opened his eyes as and when Contempt of Court notice was served on him to file show cause.

5. For these lapses, we have posed specific question as to how much cost he is prepared to pay for not complying the orders of this Court timely and so also there are



certain lapses in the first compliance order. On this issue, officer submitted to excuse him. The same is hereby rejected. He is hereby directed to pay cost of Rs. 10,000/- (Rs. Ten Thousand) to the petitioner and cost shall be paid to the petitioner from his pocket and not from the Government fund, within a period of four weeks from today.

6. Accordingly, the present M.J.C. stands dropped.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.11.2024
Transmission Date	NA

