

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4562 of 2019

In

Letters Patent Appeal No.1355 of 2014

Prabhu Nath Singh, aged about 55 years, Male son of Late Rameshwar Singh, residing at B/ 503, Officers Hostel, Bailey Road, Police Station Shastrinagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Dr. Deepak Prasad, I.A.S. the Principal Secretary, Cabinet Secretariat (Civil Aviation) Old Secretariat, Police Station Sachivalaya, District Patna.
2. S. Siddhartha, I.A.S. Finance Commissioner, Finance Department, Old Secretariat, PS Sachivalaya, District- Patna.
3. Mithilesh Kumar, Additional Secretary, Director (Incharge), Civil Aviation Cabinet Secretariat, Patna Airport, Government Hanger, Patna.
4. Dr. Mahendra Pal, Deputy Secretary, Civil Aviation, Cabinet Secretariat, Bihar, Patna.
5. Rajiv Rathor, Administrative Officer, Civil Aviation Directorate, Bihar, Patna.
6. Arun Kumar I.A.S. Director General of Civil Aviation, New Delhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajni Kant Jha, Advocate
For the Opposite Party/s	:	Mr. Gyan Prakash Ojha, GA 7
For the UOI	:	Mr. Kumar Priya Ranjan, CGC
		Ms. Nirmala Singh, Advocate
		Mr. Girish Nandan Abhishek, Advocate
		Mr. Sandeep Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAMESH CHAND

MALVIYA

ORAL JUDGMENT

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

Date : 04-01-2024

The matter was heard at length on 14.12.2023 and the following order was passed.

“The present MJC is filed for non-compliance of the order dated 12.03.2019 passed in L.P.A. No. 1355 of 2014 arising out of C.W.J.C. No. 18767 of 2012.



2. Perusal of para-12 both State as well as DGCA were required to comply the directions of this Court. The State respondents were stated to have deposited a sum of Rs. 2,00,000/- (Rs. Two Lakh) on 24.06.2019 with DGCA. Thereafter, they were unable to make further compliance in respect of certain formalities relating to application and other things and it has to be rooted through certain portal.

3. Learned counsel for the State-Respondent, on instruction, submitted that portal cannot be operated in the absence of certain license and its details. In that event, the concerned officers should have communicated to the DGCA about administrative difficulties. In this regard, no material has been placed on record. Therefore, Principal Secretary, Cabinet Secretary (Civil Aviation), Patna is hereby directed to appear with relevant records on the next date of hearing and to face the Contempt of Court proceedings under Rule 7(i) read with Form 1 of Chapter XXVIII of Rules of the High Court at Patna framed under the Contempt of Courts Act, 1971 (Act 70 of 1971).

4. Relist this matter on 04.01.2024.”

2. Today, supplementary show cause on behalf of opposite party nos. 1 to 5 along with documents at Annexures-A to D have been placed on record. In view of the Annexure-A dated



02.01.2024 orders of this Court passed in Letters Patent Appeal No. 1355 of 2014 decided on 12.03.2019 has been complied after lapse of about two years and few months. It is to be noted that there is no application for extension of time to comply the orders of this Court passed in Letters Patent Appeal. Therefore, *prima facie* the concerned respondent has committed contempt.

3. Having regard to the fact that orders of this Court has been complied on 02.01.2024, it is not appropriate to initiate contempt proceedings. It is suffice to impose cost on the ground of delay in complying the order of this Court. Cost has been quantified @ Rs. 10,000/-. The same shall be paid to the petitioner within a period of eight weeks from the date of receipt of this order.

4. Accordingly, the present MJC Contempt petition stands dropped.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

Anand Kr.

AFR/NAFR	
CAV DATE	
Uploading Date	08.01.2024
Transmission Date	

