

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.484 of 2025

In

Civil Writ Jurisdiction Case No.4754 of 2023

Abhay Rana, Son of Prabhu Prasad, Resident of Village and P.S.- Daniyawan,
Anchal and Prakhand- Daniyawan, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Environment Forest and Climate Change, Govt. of Bihar, Patna.
2. Dr. Devendra Kumar Shukla, The Chairman Bihar State Pollution Control Board, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dheeraj Kumar, Advocate
For the B.S.P.C.B. : Mr. Kumar Ravish, Advocate
For the State : Mr. Sarvesh Kumar Singh, Sr. Advocate, AAG-13

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL JUDGMENT

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

Date : 06-03-2025

The present MJC is filed for non-compliance of the order dated 07.04.2023 passed in CWJC No. 4754 of 2023 (Abhay Rana vs. The State of Bihar & Ors.). In his writ petition, petitioner has prayed for the following relief(s):-

"(i) For issuance of appropriate writ/order/direction commanding the State of Bihar and its authorities to restrain the construction of W.P.U. for waste disposal under Lohiya Swachh Abhiyan, Bihar upon Plot No. 1132 Under Khata No. 42 measuring Area 4 decimals of mauza+anchal-



Daniyawan, District-Patna and also for issuance of direction commanding the respondents authority to shift W.P.U. for waste disposal under Lohiya Swachh Abhiyan to another proper place.

(ii) For issuance of appropriate writ/writs, /order/orders, direction/directions for which the petitioner would be entitled in the facts and circumstances of the case for public interest."

2. Perusal of the petition, it is evident that it has been filed after one year nine months. In respect of delay in filing contempt petition, co-ordinate Bench of this Court in the case of **Dr. Rajesh Kumar Sinha & Ors. vs. The Union of India & Ors. bearing MJC No. 1840 of 2023 in CWJC No. 13888 of 2016** decided on 24.07.2023 has elaborately considered Section 20 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India. Further, similar view has been taken in the case of **S. Tirupathi Rao vs. M. Lingamaiah & Ors.** reported in **2024 SCC OnLine SC 1764.**

3. In the light of above narrated facts and legal issues, the present M.J.C. - contempt petition filed after lapse of about one year and nine months, cannot be entertained in view of Section 20 read with other provisions of Contempt of Courts Act, 1971 and Chapter XXVIII, PART "A" of contempt of Courts (Patna High



Court) Rules. Accordingly, the present MJC/Contempt petition stands dismissed.

(P. B. Bajanthri, J)

Vikash/-

(Sunil Dutta Mishra, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

