

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.262 of 2018

In

Miscellaneous Jurisdiction Case No.46 of 2018

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1. The State Of Bihar
 2. Principal Secretary, Urban Development and Housing Department
Government of Bihar, Patna.
 3. The Director Municipal Administration cum Additional Secretary, Urban
Development and Housing Department

... .. Appellant/s

Versus

1. Kaushal Kaushik and Ors Son of Late Jagdish Prasad, Resident of village-
Nisarpura, P.O.- Amarpura P.S. Naubatpur, District- Patna, Presently Chief
Councilor, Nagar Panchayat Naubatpur, P.O. and P.S. Naubatpur District
Patna.
2. The Estimate Committee of the Bihar Legislature Assembly through the
Chairman.
3. The Exe cutover Officer, Nagar Panchayat Naubatpur District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nirmal Kumar Sinha - 3 Ac To Aag 7
For the State	:	Mr. Deepak Kumar, Advocate Mr. Y.P. Sinha, Advocate AAG-07

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

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

10 08-01-2025

The present L.P.A. is filed in assailing the order
dated 07.02.2018 passed in M.J.C. No. 46 of 2018 arising out of



C.W.J.C. No. 5756 of 2017. On 21.04.2017, an interim direction was ordered by the learned Single Judge in which it was observed in paragraph-6 which reads as under:-

“6. In the meantime, no action shall be taken in terms of the recommendation of the respondent no. 5, in its 159th report, copy of which has been made Annexure-8 to the writ petition.”

2. This interim direction dated 21.04.2017 was in vogue till 24.02.2023 read with the fact that on 25.02.2023 C.W.J.C. No. 5756 of 2017 stands withdrawn. Therefore as on the date of filing FIR on 15.01.2018 interim direction/order of the learned Single Judge dated 21.04.2017 was very much in vogue, resultantly concerned respondent has committed contempt. Therefore, the present L.P.A. is not maintainable in assailing the order dated 07.02.2018 passed in M.J.C. No. 46 of 2018 arising out of C.W.J.C. No. 5756 of 2017.

3. Merely withdrawing of C.W.J.C. No. 5756 of 2017 on 25.02.2023 and the fact that interim direction/order dated 21.04.2017 was very much existing in the eye of law till 24.02.2023 and in the meanwhile on 15.01.2018, the concerned appellant is stated to have filed FIR results in committing Contempt of Court.



4. Accordingly, the present L.P.A. No. 262 of 2018 stands dismissed and pending I.A., if any stands disposed of.

(P. B. Bajanthri, J)

(Ashok Kumar Pandey, J)

Shubham/-
Jagdish/-

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