

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3868 of 2025

Patna High Court through Learned Registrar General

... .. Petitioner/s

Versus

1. The State of Bihar through Collector-cum-D.M., Begusarai Sri Tushar Singla, District Begusarai.
2. Sri Tushar Singla, Collector-cum-D.M., Begusarai District Begusarai
3. Sri Maneesh S.P. Begusarai, District Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Singh, Sr. Advocate

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

and

HONOURABLE MR. JUSTICE DR. ANSHUMAN

CAV JUDGMENT

(Per: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI)

Date : 16-12-2025

1. The present Miscellaneous Jurisdiction Case No. 3868 of 2025 has been registered *suo motu* by this Court through its Registrar General against the State of Bihar, arising out of non-compliance with a compensation award passed by the Motor Accident Claims Tribunal, Begusarai, and subsequent developments in the execution proceedings before the Civil Court of competent jurisdiction.



2. By a judgment and award, dated 18.08.2023 in Claim Case No. 35 of 2020, the Motor Accident Claims Tribunal, Begusarai awarded a sum of Rs. 11,61,318/- along with interest at the rate of 6% per annum from the date of filing of the claim petition till realization, in favour of the claimants, who are the legal heirs of the deceased Nutan Devi, a mother of four children. The deceased had succumbed to injuries sustained in a motor accident caused by rash and negligent driving of a police vehicle owned by the Bihar Police Department. The liability to pay the compensation was fastened vicariously on the State of Bihar, and the Tribunal specifically directed the District Magistrate, Begusarai and the Superintendent of Police, Begusarai to ensure payment within one month from the date of the award.

3. Despite the aforesaid direction, the awarded amount was not disbursed to the claimants. Consequently, the claimants filed Execution Case No. 01 of 2024 before the Court of District & Additional Sessions Judge-III-cum-Special Judge (MACT), Begusarai (hereinafter referred to as the learned Executing Court for short). In the said execution proceedings, multiple orders were passed directing compliance, but the amount remained unpaid on the ground of



non-allotment of funds by the State authorities.

4. On 10.07.2025, the Executing Court sought explanations from the District Magistrate, Begusarai and the Superintendent of Police, Begusarai regarding their failure to adhere to the previous orders.

5. On 25.07.2025, noting the absence of any response, the Executing Court resolved to report the matter to this Court for initiation of contempt proceedings against the concerned officers.

6. On 21.08.2025, the Executing Court extended a final opportunity of one month for payment, observing that non-compliance would render the officers liable for contempt of Court.

7. On 23.09.2025, the Executing Court recorded that the Superintendent of Police, Begusarai had conveyed to the Principal District & Sessions Judge, Begusarai (hereinafter referred to as the learned District Judge) in his chamber that no adverse order should be passed against him, as he was very powerful and even this Court could not take any action against him. It was further recorded that the learned District Judge advised the Superintendent of Police that he would have a cake-walk in this Court in the event of any contempt



proceedings. The learned Executing Court expressed its objection to such interference in the performance of its judicial duties.

8. On 24.09.2025, a letter dated the previous day from the Superintendent of Police to the Deputy Inspector General, Begusarai seeking allocation of funds was placed before the learned Executing Court. However, observing the casual attitude of the authorities, the Court refused to grant any further extension.

9. On 14.10.2025, the learned Executing Court, treating the conduct of the District Magistrate and the Superintendent of Police as contemptuous, directed them to file show-cause affidavits and registered a separate miscellaneous case recommending contempt proceedings.

10. On 29.10.2025, the Superintendent of Police filed a response, reserving his right to submit a detailed reply before this Court.

11. On 07.11.2025, the Government Pleader submitted on behalf of the State that payment would be made within the next ten days, as the officers were engaged in the legislative assembly election duties. The learned Executing Court fixed 17.11.2025 as the final date for compliance,



failing which the matter would be forwarded to this Court.

12. On 17.11.2025, noting that no payment had been made and no show-cause affidavits were filed, the Executing Court directed transmission of the extracts of the miscellaneous case to the Registrar General of this Court with a recommendation to initiate contempt proceedings against the District Magistrate and the Superintendent of Police. On the same date, the learned Executing Court also noted that by an order dated 15.11.2025, the learned District Judge had recalled the execution case to his own file for hearing and disposal. The learned Executing Court recorded its view that the said order was passed hastily without examining the records and appeared to be aimed at shielding the officers from contempt proceedings. It further expressed that the morale of subordinate judicial officers had been affected, and that orders of the subordinate judiciary seemed non-binding on executive authorities. The learned Executing Court handed over the case records to the learned District Judge as directed.

13. Subsequently, by a letter dated 26.11.2025 addressed to the Registrar General of this Court, the learned District Judge placed his version of the facts. He stated that the District Magistrate and the Superintendent of Police had



informed him that steps for allotment of funds were underway, and the matter had been discussed repeatedly in District Level Monitoring Committee (DLMC) meetings. The learned District Judge mentioned that he had apprised the learned Executing Court of these discussions. He further stated that certain comments made by the Executing Court were uncalled for and could jeopardize relations between the judiciary and the executive. Upon receipt of a letter dated 15.11.2025 from the Superintendent of Police enclosing various orders of the learned Executing Court, and after considering the discussions in DLMC meetings, the learned District Judge exercised powers under Section 24 of the Code of Civil Procedure, 1908 to withdraw the execution case from the learned Executing Court and transfer it to his own file for trial and disposal. The learned District Judge noted that after receiving this order on 16.11.2025, the learned Executing Court passed orders forwarding the record to this Court and making remarks against him. Accordingly, the learned District Judge requested this Court to take cognizance of these facts and take appropriate action.

14. Upon receipt of the references both from the learned Executing Court (through Court records and



recommendation dated 17.11.2025) and from the learned District Judge (letter dated 26.11.2025), the Hon'ble the Chief Justice was pleased to direct the Registry to register the matter as a suo motu contempt reference, being Miscellaneous Jurisdiction Case No. 3868 of 2025.

15. Thus, the matter is now before this Court for consideration.

16. Since on the date of admission, nobody appeared on behalf of the petitioner, we propose to appoint Mr. Sanjay Singh, learned Sr. Advocate as an *amicus curiae* in the instant case to assist this Court.

17. Mr. Singh graciously consented and copy of the brief was served upon him.

18. It is submitted by the learned *amicus curiae* that the order passed by the Motor Accident Claims Tribunal, Begusarai was within the jurisdiction of the Tribunal. The said order granting compensation to the petitioners reached its finality. The State of Bihar or the Opposite Parties did not file any appeal against the said order. At the same time, indisputably, the order, directing the Superintendent of Police, Begusarai and the Collector-cum-District Magistrate, Begusarai to pay compensation to the petitioners on account



of death of their mother in a motor accident was not complied with. It is on record that the petitioners put the said order in execution and in spite of issuance of notices, the compensation amount was not paid to them. Mr. Singh frankly submits that learned Executing Court could have taken the steps available under Order 21 of the Code of Civil Procedure, 1908 for execution of money decree. However, judicial discipline does not permit the learned Executing Court to pass any comment of aspersion against the District Magistrate, Begusarai and the Superintendent of Police, Begusarai. According to the learned *amicus curiae*, the role of the Executing Court was to ensure recovery of compensation, which has been ordered by the Tribunal and ensure its payment in favour of the petitioners. However, while doing so, the learned Judge unnecessary fell into a personal dispute between the Executing Court and the Superintendent of Police and the District Magistrate.

19. It is also found from the record that the Superintendent of Police, subsequently, informed in writing that he sent a letter to the Director General of Police, Bihar, Patna for allotment of fund for payment of compensation amount but the said fund was not released. As soon as it



would be released, the same would be deposited in the Court. But the District Magistrate did not submit any application before the Executing Court stating his role. The specific act of the District Magistrate, Begusarai appears to be an instance of showing negligence defying the Court's order. The District Magistrate, Begusarai ought to have been made aware that nobody is above the law and he being an Administrative Officer is under legal obligation to render all assistance for execution of the order of compensation because the accident took place by a government vehicle of the Police Department and being the head of administration, it was his solemnly duty to observe, obey and comply with the order.

20. We have another issue in this regard. While the war of words were going on between the learned Judge, MACT, Begusarai and the District Magistrate and Superintendent of Police, Begusarai, the Principal District & Sessions Judge, Begusarai was informed about the incident in District Level Monitoring Committee meeting. Then, he passed an order under Section 24 of the Code of Civil Procedure, 1908, transferring the case to his file. When the order under Section 24 of the Code of Civil Procedure, 1908 was communicated to the learned Judge, MACT, Begusarai,



he made some adverse comments against the said order. It appeared to him that the learned Principal District & Sessions Judge was trying to save the Opposite Parties Nos. 2 and 3, as they are highest administrative authorities of the district.

21. It is needless to say that under Section 24 of the Code of Civil Procedure, 1908, a District Court has power to transfer a suit, appeal or other proceeding *suo motu*. For the exercise of a power under Section 24, it is not necessary that a party to the suit, appeal or other proceeding must have applied for the same. The Principal District & Sessions Judge may even *suo motu* exercise such power in the interest of justice.

22. While passing an order of transfer of the suit or proceeding *suo motu*, the Principal District & Sessions Judge must remember that assurance of fair trial is the first imperative of the dispensation of justice and the central criterion for the Court to consider when a motion for transfer is made, is not the hyper-sensitivity or relative convenience of a party. Something more substantial, more compelling, more imperiling from the point of view of the public justice and its attendant environment is necessitous if the Court is to exercise its power of transfer.

23. Judicial discipline is the *sine qua non* of an



effective and credible judiciary. It embodies the ethical obligation of Courts at all levels to respect the hierarchical structure enshrined in the Constitution and statutory laws, ensuring that justice is dispensed uniformly and without internal discord. As eloquently articulated by the Hon'ble Supreme Court in **Rohan Vijay Nahar v. State of Maharashtra**, reported in **(2025) SCC OnLine SC 2366**, judicial discipline is the ethic that turns hierarchy into harmony. It requires courtesy, restraint, and obedience to binding precedent even where a judge is personally unpersuaded.

24. In paragraphs 2, 3 and 4 of **Rohan Vijay Nahar** (supra), it is observed by the Hon'ble Supreme Court as follows: -

“2. ... When a superior Court reverses, modifies, or remands, the Court below must give full and faithful effect to that disposition. The authority to decide on appeal carries the authority to require compliance, for without obedience, the hierarchy would become an empty form. Resistance or evasion does not merely disserve a party before the Court, it erodes predictability, multiplies litigation, and weakens faith in the rule of law.



3. *Judicial discipline is the ethic that turns hierarchy into harmony. It requires Courtesy, restraint, and obedience to binding precedent even where a judge is personally unpersuaded. The lawful course is to apply the precedent and, if needed, record reasons for inviting a larger Bench to reconsider it. The unlawful and unjust course is to distinguish in name while disregarding in substance or to recast issues in order to sidestep a rule that binds. "Stare decisis et non quieta movere" which means to stand by decisions and not to disturb settled matters, is not a slogan but a safeguard of equality before the law, judges do not sit to settle scores. The gavel is an instrument of reason and not a weapon of reprisal. A vindictive stance is incompatible with the oath to uphold the Constitution and the law.*

4. *Judges across our country must remember that collegiality is the companion virtue of independence and that a reversal on appeal is not a personal affront but the ordinary operation of a constitutional hierarchy that corrects error and settles law. Respect for the senior jurisdiction is not subservience. It is an acknowledgment*



that all Courts pursue a common enterprise to do justice according to law.”

25. A pivotal aspect of judicial discipline is the unyielding adherence to orders passed by superiors in exercise of statutory authority. Subordinate judges are duty-bound to implement such orders without demur, as any challenge thereto, except through prescribed appellate or revisional channels, disrupts the chain of command and erodes institutional cohesion.

26. In the matter of ‘**K’ A Judicial Officer, (2001) 3 SCC 54**, the Hon'ble Supreme Court underscored the need for judicial officers to maintain sobriety and poise, observing as hereunder: -

“7. A Judge entrusted with the task of administering justice should be bold and feel fearless while acting judicially and giving expression to his views and constructing his judgment or order. It should be no deterrent to formation and expression of an honest opinion and acting thereon so long as it is within four-corners of law that any action taken by a subordinate judicial officer is open to scrutiny in judicial review before a superior forum with which its opinion



may not meet approval and the superior Court may upset his action or opinion. The availability of such fearlessness is essential for the maintenance of judicial independence. However, sobriety, cool, calm and poise should be reflected in every action and expression of a Judge.”

27. The Court cautioned that while independence is essential, actions of subordinate officers remain subject to scrutiny by superiors, and intemperate remarks or resistance can invite disciplinary measures.

28. This duty of adherence is further reinforced in cases emphasizing judicial discipline vis-à-vis superior directives. For instance, in **Union of India v. Kamalakshi Finance Corporation Ltd.**, reported in **AIR 1992 SC 711**, the Supreme Court held that lower authorities must adhere to pronouncements of higher bodies, extending this to judicial hierarchies where subordinates cannot evade or criticize superior orders.

“6. ...The principles of judicial discipline require that the orders of the higher appellate authorities should be followed unreservedly by the subordinate authorities. The mere fact that the order of the appellate authority is not "acceptable" to the department - in itself



an objectionable phrase - and is the subject matter of an appeal can furnish no ground for not following it unless its operation has been suspended by a competent Court. ...”

29. Bearing the factual circumstances as well as various judgments quoted above on the issue of judicial discipline and judicial ethics, we are of the view that a Judicial Officer has the duty to discharge his judicial and administrative function in dispassionate manner. He cannot equate himself with the cases instituted by the parties. It is true that the learned Additional District Judge-cum-Judge, MACT passed the order of compensation in favour of the petitioners on account of motor accident, in which a government vehicle was involved, causing death of the mother of the petitioners. In spite of the said judgement having been reached its finality, the Opposite Parties did not pay compensation. Non-payment of compensation led the petitioners to file execution. The learned Judge of the Tribunal tried his best to realize the compensation amount but failed. He was compelled to issue show-cause notices to the District Magistrate, Begusarai and the Superintendent of Police, Begusarai, as to why contempt proceedings shall not be drawn against them for non-compliance of Court's order. The District



Magistrate did not care to give any reply to the show-cause notice. In the meantime, the learned District Judge took control over the file under Section 24 of the Code of Civil Procedure, 1908.

30. This might cause despair and a profound sense of hopelessness in the mind of the learned Additional District Judge-cum-Judge, MACT but still it is the duty to act in a dispassionate manner and he ought to have sent the case record to the Court of the learned Principal District Judge without making any comment on his action.

31. At the same time, it is the solemn duty of the Principal District Judge to inspire confidence in the mind of the Officers stationed under his judgeship so that they can perform their judicial work fearlessly and without any pressure or influence from any corner. We are of the *prima facie* view that the Principal District Judge ought not to rely on verbal deliberations between him and the S.P. and D.M. of the District in DLMC meeting and pass an order *suo motu* of transfer of execution case arising out of the order passed by the MACT.

32. In view of such circumstances, we are of the view that while the Additional District Judge-cum-Judge,



MACT exceeded his limit in making some observation in the record while sending the same to the Court of learned Principal District Judge upon an order under Section 24 of the Code of Civil Procedure, 1908, the learned Principal District Judge ought to have come to a reasonable conclusion taking the learned Additional District Judge-cum-Judge, MACT in confidence.

33. In view of such circumstances, we are of the opinion that the observation made by the learned Additional District Judge cum Judge, MACT in his order, dated 16th of November, 2025 ought to be expunged.

34. Accordingly, the observations made by the concerned Officer vide order, dated 17th of November, 2025 is expunged.

35. When the said observation is expunged by us, we also do not want to take cognizance on the report submitted by the learned Principal District Judge, Begusarai, on his recommendation to this Court dated 26th of November, 2025, stating certain facts, which took place between him and the learned Additional District Judge-cum-Judge, MACT, Begusarai.

36. With the above observation, the instant



Contempt Proceeding, bearing MJC No. 3868 of 2025, stands disposed of.

37. The learned Principal District Judge, Begusarai is directed to conclude the execution proceeding, arising out of MACT Claim Case No. 351 of 2020, positively within a period of three months from the date of receipt of the order. If compensation amount is not paid within the period fixed by this Court, the learned Principal District Judge is at liberty to attach the office of the Superintendent of Police, Begusarai and the District Magistrate, Begusarai and sell appropriate portion of the same along with furnitures and fixtures for realization of the compensation amount.

38. Before we part with, we must appreciate the assistance rendered by Mr. Sanjay Singh, learned Senior Advocate pursuing us to take a middle path of rapprochement of differences between two Senior Judges of District Judiciary. Throughout his submission, he reminded us that cooperation, not conflict, is the basic path of administration of justice and such cooperation can only establish Rule of Law in the society and justice delivered strictly on the principle of Rule of Law inculcate in the mind of the other two pillars of the Constitution – Executive and Legislature that they are not



above the law.

(Bibek Chaudhuri, J)

Dr. Anshuman, J : - I agree.

(Dr. Anshuman, J)

skm/-

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