

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1882 of 2019

In
Civil Writ Jurisdiction Case No.11933 of 2016

=====

Laxmi Construction and Electricals Works through its authorized signatory namely Chandradeep Singh, Age, 32 years, Male, son of Late Girdhari Singh, having Office at Ward No. 20, House No. 395 Laxmipur, Siwan Road, Police Station- Siwan Sadar, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Sri Chaitanya Prasad, Principal Secretary, Housing and Urban Development Department, Govt. of Bihar, Patna
2. Sri Chaitanya Prasad The Principal Secretary, Housing and Urban Development Department, Govt. of Bihar, patna
3. Himani Kumari, The Executive Officer, Nagar Parishad, Sasaram
4. The Police Superintendent-Cum-Station House, Head Vigilance Police Station-6, Circular Road, Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kishore Verma, Adv. Mr. Shyam Kishore, Adv.
For the Municipality	:	Mr. Bajrangi Lal, Adv.
For the State	:	Mr. Subhash Prasad Singh, GA-3

=====

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
CAV ORDER

3 13-02-2026 This MJC application has been filed for initiation of contempt proceeding against the opposite parties for willful and deliberate non-compliance/violation of the direction contained in the order dated 27.02.2017 passed in C.W.J.C. No. 11933 of 2016 by this Court.

2. The operative portion of the order dated 27.02.2017 passed in CWJC No.11933 of 2016 is quoted here-in-below for ready reference:

“In such view of the matter, petitioner is



directed to file a detailed show cause/additional show cause in addition to show cause filed vide letter dated 11.2.2016 and if such show/additional show cause is filed the Executive Officer, Sasaram, after giving due notice to the parties will pass order in accordance with law within a period of three months from the date of receipt of the show cause.”

3. Learned counsel for the petitioner has submitted that in compliance of the order of this Court, the petitioner filed a detailed show cause/representation before the Opposite Party No.3 on 11.03.2017 and thereafter approached the Opposite Party No.3 several times but nothing has been done.

4. The Opposite Party No.3 has filed the show cause on 03.08.2023. The Municipal Commissioner, Nagar Nigam, Sasaram, (Opposite Party No.3) has submitted in his show cause that upon the notice having been issued to the petitioner in Misc. Case No.01 of 2023, the petitioner appeared on 27.06.2023 before him and filed his written reply on behalf of the firm and further sought time to place the documents. Thereafter, the petitioner appeared and hearing was done in the aforesaid Misc. Case. The petitioner firm claimed that an amount of Rs.3,64,34,354/- has been paid to him as against the bill of Rs.4,33,78,000/-. The petitioner claimed that his security deposit has not been refunded even after completion of the work



satisfactorily.

5. It appears that the Municipal Commissioner has passed a speaking order on 14.07.2023 upon the representation of the petitioner rejecting the claim of the petitioner observing that the security deposit of the petitioner amounting to Rs.43,37,800/- is lying with the office of Nagar Nigam, however, a vigilance case is going on for misappropriation of Rs.1,95,94,469/- against the petitioner's firm. Since there is allegation of misappropriation of public money and a vigilance case is pending against the petitioner's firm, it would not be feasible to release the amount of security deposits in favour of the petitioner and the same can be released only after the disposal of vigilance case and, if required, it may be forfeited to realize the mis-appropriated government money.

6. Having regard to the discussions made here-in-above, this Court is of the view the order dated 27.02.2017 passed in CWJC No.11933 of 2016 has been complied by the opposite parties by passing a reasoned order on the representation of the petitioner. The petitioner, if feels aggrieved, may take recourse of proper remedy in accordance with law against the rejection of his claim before the appropriate forum.



7. This MJC application is, accordingly, disposed of.

(Khatim Reza, J)

prabhat/-

U			
---	--	--	--

