
(2019) 07 PAT CK 0161

In the Patna High Court

Case No : Miscellaneous Jurisdiction Case No. 5428 Of 2012, Civil Writ Jurisdiction Case No. 3900 Of 2005

Abhai Krishna Sharma And Ors

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 11-07-2019

Acts Referred:

Citation : (2019) 07 PAT CK 0161

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Mritunjay Kumar, Sanjay Kumar, Lalit Kishore, Rabindra Kumar

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioners; learned AC to GA 13 for the State and Mr. Lalit Kishore, learned Advocate General along with Mr. Rabindra Kumar Priyadarshi, learned counsel for the Bihar State Housing Board (hereinafter referred to as the 'Board').

2. The present application has been filed alleging deliberate and wilful violation of the order dated 08.09.2011 passed in CWJC No. 3900 of 2005.

3. The operative portion of the order dated 08.09.2011 reads as under:

"As a result, this writ application succeeds and the impugned decision of the Board cancelling the allotment in favour of the petitioners as contained in Annexure 1, so far it affects the petitioners, is hereby set aside as no infirmity could be shown by the respondents in the earlier decision making the concerned allotment in favour of the petitioner no. 1 and also admittedly, the possession of land concerned stands already delivered to the petitioner no. 1."

4. Mr. Lalit Kishore, learned Advocate General drew the attention of the Court to Annexure A of the supplementary show cause filed on behalf of the opposite parties, which is copy of Office Order No. 4681 dated 03.10.2018, by which the

Board in compliance of the order of the Court dated 08.09.2011 has restored the allotment in favour of the petitioners and has withdrawn the letter of cancellation which had been set aside by the Writ Court.

5. Learned counsel for the petitioners submitted that after passing of the said order, a fresh exorbitant demand has been raised against the petitioners.

6. Be that as it may, the Court need not overemphasize the fact that in matters relating to contempt, the Court would not travel beyond the order passed by the Court in the writ jurisdiction and the only thing to be examined is whether the same has been strictly complied with by the alleged contemnors. In the present case, by the order of the Court, the cancellation of allotment of the petitioners had been set aside and as a consequence the Board has come out with the orders recalling the order of cancellation and restoring the allotment. Thus, the Court does not find any contempt being committed by the opposite parties.

7. Accordingly, the application stands disposed off.

8. It goes without saying that it shall be open to the petitioners to move before the appropriate forum, in accordance with law, if they feel aggrieved by any act of the Board, in the present matter.