

Pawan Kumar @ Pawan Kumar Nayer Vs. the State of Bihar and ors.

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Court : Patna

Decided On : May-11-2012

Appellant : Pawan Kumar @ Pawan Kumar Nayer

Respondent : The State of Bihar and ors.

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Miscellaneous Jurisdiction
Case No.4717 of 2011 Pramod Kumar Gupta S/O Late Bharath Prasad Resident
Of Mohalla Majar Gahi, Patel Path, Sheikhpura, P.S. Gardanibagh, District Patna,
Owner Of M/S P.K. Industries, Patel Path, Bailey Road, Patna. Petitioners Versus
1. The State of Bihar 2. Mr. Divesh Sehra, the Managing Director, Bihar Raj Jal
Parishad/Board, West Boring Canal Road, Patna.

3. Mr. Krishna Kumar Agarwal, the Secretary, Bihar Raj Jal Parishad/Board West
Boring Road, Patna.

4. Mr. Ravindra Pawar, the Secretary Cum Commissioner, Public Health
Engineering Deptt. Govt. Of Bihar Patna.

5. Mr. Jai Shankar Choudhary, the Chief Engineer Bihar Raj Jal Parishad/Board
West Boring Canal Road, Patna.

6. Mr. Srikant Singh, the Superintending Engineer, Bihar Raj Jal Parishad, Circle
No. 1 Boring Road, Patna.

7. Mr. Anil Kumar, the Superintending Engineer, Bihar Raj Jal Parishad, Circle No. 2, Boring Road, Patna.
8. Mr. Ankesh Kumar, the Executive Engineer, Mechanical Works Deptt. Bihar Raj Jal Parishad Malai Pakhri, Patna.
9. Mr. Mithlesh Kumar Singh, the Executive Engineer, Division No. 2, Bihar Raj Jal Parishad, Patna. Opposite Parties ----- with Miscellaneous Jurisdiction Case No.4176 of 2011 Sanjit Kumar, son of Sri Pramod Kumar Gupta, resident of Muhalla Jagdeo Path, Bailey Road, P.S. Gardanibagh, District Patna, owner of Gupta Brothers Jagdeo Path, Bailey Road, Patna-14. Petitioner. Versus 1. The State of Bihar 2. Mr. Divesh Sehra, Managing Director Bihar Raj Jal Parishad, West Boring Canal Road, Patna.
3. Mr. Krishna Kumar Agarwal, the Secretary, Bihar Raj Jal Parishad, West Boring Road, Patna.
4. Mr. Ravindra Pawar, the Secretary-cum-Commissioner, Bihar Health Engineering Department, Govt. Of Bihar Patna.
5. Mr. Jai Shankar Choudhary, the Chief Engineer Bihar Raj Jal Parishad, West Boring Canal Road, Patna.
6. Mr. Srikant Singh, the Superintending Engineer, Bihar Raj Jal Parishad, West Boring Canal Road, Patna.
7. Mr. Anil Kumar, the Superintending Engineer, Bihar Raj Jal Parishad, West Boring Canal Road, Patna.
8. Mr. Ankesh Kumar, the Executive Engineer, Works Department, Bihar Raj Jal Parishad, Malahipakri, Patna-26.
9. Mr. Mithlesh Kumar,, the Executive Engineer, Division No. 2, Bihar Raj Jal Parishad, Patna. Opposite Parties ----- 2 with Miscellaneous Jurisdiction Case No.3372 of 2011 Pawan Kumar @ Pawan Kumar Nayer, son of late Braj Bihari Prasad, resident of Mohalla Kailash Puri Hanuman Nagar, P.S. Kankarbagh, Patna-20, owner of a registered Company Parkway Biotech Pvt. Ltd.,

situated at Mohalla Kailash Puri Hanuman Nagar, P.S. Kankarbagh, Patna-20.
Petitioner Versus 1. The State Of Bihar 2. Mr. Divesh Sehra, the Managing Director Bihar Raj Jal Parishad/Board, West Boring Canal Road, Patna.

3. Mr. Krishna Kumar Agarwal, the Secretary, Bihar Raj Jal Parishad/Board West Boring Road, Patna.

4. Mr. Ravindra Pawar, the Secretary-cum-Commissioner, Public Health Engineering Deptt. Govt. Of Bihar Patna.

5. Sri Ankesh Kumar, Chief Engineer, Bihar Raj Jal Parishad/Board, West Boring Canal Road, Patna.

5. Mr. Jai Shankar Choudhary, the Superintending Engineer, Bihar,Raj Jal Parishad, Circle No.1, Boring Road, Patna.

6. Mr. Srikant Singh, the Superintending Engineer, Bihar Raj Jal Parishad, Circle No. 2 Boring Road, Patna.

7. Sri Anil Kumar, the Executive Engineer, Mechanical Works Deptt. Bihar Raj Jal Parishad Malai Pakhri, Patna-26.

9. Mr. Mithlesh Kumar Singh, the Executive Engineer, Division No. 2, Bihar Raj Jal Parishad, Patna. . Opposite Parties. ----- with Miscellaneous Jurisdiction Case No.4147 of 2011 Rabindra Kumar, son of Naru Lal, resident of Mohalla Jagdeo Path Moar, P.S. Gardanibagh, District Patna, owner of M/s Rolex Agency, Jagdeo Path Moar, District Patna-14. . Petitioner Versus 1. The State of Bihar 2. The Managing Director Sri Divesh Sehra, Bihar Raj Jal Parishad/Board, West Boring Canal Road, Patna.

3. The Secretary Sri Krishna Kumar Agrawal, Bihar Raj Jal Parishad/Board West Boring Road, Patna.

4. The Secretary Cum Commissioner, Sri Ravindra Pawar, Public Health Engineering Deptt. Govt. Of Bihar Patna.

5. The Chief Engineer Bihar Sri Jai Shankar Choudhary, Bihar Raj Jal Parishad/Board West Boring Canal Road, Patna.
6. The Superintending Engineer Sri Srikant Singh, Bihar Raj Jal Parishad, Circle No. 1 Boring Road, Patna.
7. The Superintending Engineer Sri Anil Kumar, Bihar Raj Jal Parishad, Circle No. 2, Boring Road, Patna.
8. The Executive Engineer Sri Ankesh Kumar, Mechanical Works Deptt. Bihar Raj Jal Parishad Malai Pakhri, Patna-26
9. The Executive Engineer Sri Mithlesh Kumar Singh,, Division No. 2, Bihar Raj Jal Parishad, Patna. Opposite Parties ----- with Miscellaneous Jurisdiction Case No.4817 of 2011 Rajdeo Kishore, son of Sri Sheo Nandan Singh, resident of Mohalla Kumharar Police Chauki, P.S. Kumharar, District Patna-26, owner of M/s R.P. Electrical Works, Kumharar, District Patna 26. Petitioner Versus 1. The State of Bihar 2. Mr. Pankaj Kumar Pal, the Managing Director Bihar Raj Jal Parishad/Board, West Boring Canal Road, Patna.
3. Mr. Krishna Kumar Agarwal, the Secretary, Bihar Raj Jal Parishad/Board West Boring Road, Patna.
4. Mr. Ravindra Pawar, Secretary Cum Commissioner, Public Health Engineering Deptt. Govt. Of Bihar Patna.
5. Sri . Jai Shankar Choudhary, the Chief Engineer Bihar Raj Jal Parishad/Board, West Boring Canal Road, Patna.
6. Sri Kant Singh, the Superintending Engineer, Bihar Raj Jal Parishad, Circle No. 1 Boring Road, Patna.
7. Mr. Anil Kumar, the Superintending Engineer, Bihar Raj Jal Parishad, Circle No. 2, Boring Road, Patna.
8. Mr. Ankesh Kumar, the Executive Engineer, Mechanical Works Division, Bihar Raj Jal Parishad Malai Pakhri, Patna-26..

9. Mr. Mithlesh Kumar Singh, Executive Engineer, Division No. 2, Bihar Raj Jal Parishad, Patna. Opposite Parties ----- For the Petitioners : Mr. Vishwanath Prasad, Advocate For the Jal Parishad : Mr. Indrajeet Singh, Advocate For the State : M/s Harendra Pd. Singh, G.A. 8 & Satyapal Narottam, A.C. to G.A.8 ----- 07/ 11.01.2012 Heard learned counsel for the petitioners and learned counsel for the opposite parties.

2. These petitions have been filed by the petitioners for initiating a proceeding of contempt against members of the opposite parties for non-compliance of orders dated 27.04.2011 passed in C.W.J.C. No. 4234 of 2011, C.W.J.C. No. 4389 of 2011, C.W.J.C. No. 4335 of 2011, C.W.J.C. No. 4469 of 2011 and C.W.J.C. No

4381. of 2011, by which the said writ petitions were disposed of with liberty to the petitioners to approach the Managing Director, Bihar Rajya Jal Parishad/Board, Boring Canal Road, Patna for the reliefs claimed in the writ petition and if the petitioners file their respective applications giving all details as well as copies of the said orders within fifteen days from that date, the said authority was directed to pay all the admitted dues and interest to the petitioners within two months thereafter and if any amount was not found to be admittedly payable, the said authority was directed to pass speaking orders, against which the petitioners would be at liberty to approach the appropriate authority.

3. When the said orders were not complied by the authorities even after filing of their applications by the petitioners as directed by this Court, they were constrained to file the instant contempt petitions.

4. A show cause and a supplementary show cause have been filed by the opposite parties stating that during the pendency of these petitions, orders have been passed in compliance of the orders of this Court passed in the said writ petitions and all the admitted dues had been paid to the petitioners. They have also tendered their unqualified apologies for the delay.

5. Now the grievance of the petitioners is that although admitted dues had been paid, but nothing has been paid as interests thereon although it were to be paid vide orders of this Court passed in the said writ petitions. It transpires that the said

amounts of interest have never been admitted by the authorities in view of the 5 terms of the agreement and hence they were not paid. Since the payment of interest was not admitted dues, non-payment thereof will not be any violation of the orders of this Court passed in the writ petitions. However, if the petitioners are aggrieved by non-payment of interest amounts, which are disputed by the opposite parties, the petitioners will be at liberty to approach the appropriate forum with respect thereto within four weeks from today.

6. With the aforesaid observations, these contempt petitions stand disposed of. . (S. N. Hussain, J.) MPS/

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