

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1587 of 2012

IN

Miscellaneous Jurisdiction Case No. 5721 of 2011

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M/S Hindustan Painter & Ad through its Proprietor Uttom Kumar, son of Sri Badho Sao, resident of village – Sitalpur, P.S. & Block Fatehpur, District – Gaya.

.... Appellant

Versus

1. The State of Bihar.
2. Smt. Vandana Preyashi, District Election Officer cum District Magistrate, Gaya.

.... Respondents

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Appearance :

For the Appellant/s : None.

For the Respondent/s : Mr. Deepak Kumar, AC to SC-21

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 09-12-2015

When the appeal was called out, no one appear on behalf of the appellant to press this appeal. Learned counsel for the State is present.

We have perused the record with the assistance of learned counsel for the State. It appears that a writ petition was filed by the appellant in which certain directions were passed by the writ court to the authorities to consider and decide on the representation that was ordered to be filed by the petitioner.

Writ petitioner alleged that though he filed the representation, it was not being disposed of. Accordingly, application

for initiating contempt was filed before the learned Judge who has passed the order. The learned Judge examine the facts and held that, in fact, the petitioner had made a very casual representation and the authorities did pass orders, and noticing the facts in detail, the learned Judge refused to initiate proceedings in contempt and dismiss the said application. It is being aggrieved by that action that this Letters Patent Appeal has been filed. We have serious doubt whether such an application is maintainable. A matter of contempt is between the Court and the Contemnor. It is a discretion of the Court to initiate proceedings or not. The Court not being convinced that it was appropriate to initiate proceedings, no party can a grievance thereof.

We do not find any merit in this application. It is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Anjana Mishra, J.)

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