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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 868/2016 & CM APPLs. 26153-26154/2016

VIJENDER SINGH & ORS

..... Petitioners

Through

Mr. Akil Rataeeya, Advocate

versus

S K RAWAT TEHSILDAR NAJAFGARH Respondent

Through

None

CORAM:**HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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25.07.2016

Present contempt petition has been filed alleging wilful disobedience of the order dated 2nd November, 2006, whereby the Financial Commissioner had directed the Consolidation Officer to correct the Khasra Girdawari with regard to Khasra No. 26/7, Village Daryapur. It is the petitioners' contention that their names have not been added in the Khasra Girdawari Record of Possession despite specific direction by the Financial Commissioner.

Attention of learned counsel for the petitioners has been drawn to Section 20 of the Contempt of Courts Act, 1971 which provides the period of limitation as one year for actions for contempt.

Learned counsel for the petitioner submits that non-compliance of the Financial Commissioner's order was a continuous wrong and consequently,

Section 20 of the Act, 1971 is not applicable.

He also relies upon the judgment of this Court in *Shri Ram Phal & Another Vs. B.S. Bhalla & Ors., 112(2004) DLT 193* wherein it was held that technical objection of limitation would not apply in view of Article 215 of the Constitution of India, which reads as under:-

“215. High Courts to be courts of record – Every High Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself.”

However, this Court is of the view that non-compliance of the Financial Commissioner’s order is not a continuous wrong as correction of khasra records is an annual feature and the situation as exists in that year has to be recorded.

Further, Article 215 of the Constitution is not attracted to the present case as the order in question has been passed by the Financial Commissioner and not by this Court. Consequently, the judgment of this Court in *Shri Ram Phal & Another* (supra) is not applicable.

Since the contempt petition has been filed nearly ten years after passing of Financial Commissioner’s order, present contempt petition and applications are dismissed as barred by limitation.

MANMOHAN, J

JULY 25, 2016

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