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HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 500 of 2017

- Chhattisgarh State Class II I Government Employees Association, Bhudhapara Raipur, (Registration No. 249) Through Its Official Secretary And Spokesman Vijay Kumar Jha Age 56 Years S/o Late Pt. Ratanlal Jha, R/o Purani Basti Raipur Chhattisgarh.

---- Petitioner

Versus

- Shri Rajat Bansal, Commissioner, Municipal Corporation Raipur District Raipur Chhattisgarh.

---- Respondent

For Petitioner

Mr. Jitendra Nath Nande, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Arvind Singh Chandel

Order On Board By

Prashant Kumar Mishra, J.

7/9/2017

1. Heard.
2. The present contempt petition has been moved on allegation that the order passed by this Court on 10.01.2014 in Review Petition No.111 of 2011, has not been complied with, inasmuch as, the representation preferred by the petitioner has not been decided till date.
3. When learned counsel was confronted with the period of

limitation provided under Section 20 of the Contempt of Courts Act, 1971 (in short "the Act, 1971"), it is submitted that the petitioner kept on moving representations at regular intervals, which remained undecided, therefore, cause of action is recurring.

4. We are afraid the cause of action for filing the contempt petition would arise, when the time allowed by this Court for compliance of the order expires or if no time limit is fixed, within a reasonable time, but in any case, the cause of action would not keep on recurring every time a fresh representation or reminder to the earlier representation is moved.
5. In the order passed by this Court on 10.01.2014, a submission was made by learned counsel for the petitioner that no action has been taken on the petitioner's representation, therefore, liberty may be reserved to file fresh representation for rehabilitation/compensation before the concerned authority.
6. Considering the prayer, this Court modified the previous order passed in WPC No.1071 of 2011 to the extent that it was left open to the petitioner to file a representation before the concerned authority, which was directed to be disposed of in accordance with law, and if found entitled, the petitioner may have been given similar treatment, which was given to the other land oustees.
7. It is, thus, apparent that on the petitioner's own showing, some other land oustees were rehabilitated and the petitioner

wanted similar treatment, however, the petitioner slept over his right to move the contempt petition and kept on moving representations for more than 3 ½ years.

8. In our considered view, once the limitation for filing a contempt petition, as provided under Section 20 of the Act, 1971, begins to run, the same does not cease to operate or it cannot be extended merely because the applicant has kept on moving representations one after another. If that is permissible, the provisions contained in Section 20 would become redundant and meaningless.
9. The present petition having been filed after more than 3 ½ years from the date of the order, it is apparently barred by limitation, therefore, it deserves to be and is hereby dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)

Sd/-

Judge

(Arvind Singh Chandel)

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