

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.672 of 2018

IN

Miscellaneous Jurisdiction Case No. 953 of 2017

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Dhirendra Kumar Yadav @ Dhirendra Kumar, Son of Bhuneshwar Yadav, resident of Village Jamhara, PO Biratpur, Biratpur Gram Panchayat Nahauti, Police Station and Block – Sonbarsha, District- Saharsa

.... Petitioner/Appellant

Versus

1. The State of Bihar
2. Binod Singh Gungil, the District Magistrate, Saharsa
3. Sri Swadhendraa Choudhary, the Deputy Development Commissioner, Saharsa
4. Sri Apurva Kumar Madhukar, the Panchayat Officer, Saharsa
5. Smt. Chanda Kumari, the Block Development Officer. Simri Bakhtiyarpur, District – Saharsa
6. Sri Sikandar Yadav, son of Bandey Lal Yadav, resident of Gram Panchyat Kathdumar, Block – Simri Bakhtiyarpur, District Saharsa
7. Sri Kameshwar Yadav, son of Parmeshwar Yadav, resident of Panchayat Mohanpur, Police Station and District Saharsa, at present posted at Sadar Kendriya Block on the post of Panchayat Sewak, District Saharsa

.... Respondents/ Respondents

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Appearance :

For the Appellant/s : Mr. Jitendra Kumar Roy, Mr. Sumit Kumar

For the Respondent/s : Mr. Pushkar Narayan Shahi, AAG 6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 16-05-2018

This appeal under Clause 10 of the Letters Patent has been filed challenging an order dated 25.04.2018 passed by the learned Contempt Court in a contempt proceeding registered as MJC No. 953 of 2017. Complaining disobedience of an order passed by the learned Single Bench in CWJC No. 5640 of 2011 the contempt application was filed and on 25.04.2018 after going through the show cause filed by the State Government, the learned Contempt Court was



satisfied that no case for contempt is made out and dismissed the contempt application granting liberty to the petitioner to challenge the action of the respondents in accordance with law.

Inter alia, contending that in dismissing the contempt application an error of law has been committed this appeal has been filed under Clause 10 of the Letters Patent. In our considered view against an order refusing to initiate action for contempt, an appeal under Section 19 of the Contempt of Courts Act is not maintainable and against such an order which is not a judgment Letters Patent Appeal under Clause 10 is also not maintainable.

The appeal is therefore dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

mrl./-

AFR/NAFR	NAFR
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