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23.11.2021
Ct. No. 4
ab/rrc

**WPLRT 38 of 2021
with
IA No. CAN 1 of 2021
(Through Video Conference)**

**Amalendu Bikash Panda
VS.
The State of West Bengal & Ors.**

**Mr. Kamal Kanta Kar
.....For the petitioner**

**Md. T.M. Siddiqui
Mr. N. Chatterjee
.....For the State respondents**

**Mr. Bhaskar Chandra Manna
....For the private respondent**

The instant writ petition is filed assailing an order dated 5th December, 2018 passed by the West Bengal Land Reforms and Tenancy Tribunal in MA No. 806 of 2017 filed in OA No. 354 of 2014 by which the said miscellaneous application was dismissed as barred by limitation.

At the very outset, we must record that the petitioner before the Tribunal conceded that the application has been taken out beyond the statutory period of limitation provided for filing the application for contempt. Even apart, Section 15 of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 bestowed the power upon the Tribunal to exercise the same jurisdiction, power and authority pertaining to the contempt of its order which has been vested upon by the High Court with certain modification that wherever the word “High Court”

appearing on the Contempt of Courts Act, the same should be read and meant the "Tribunal".

The effect of the aforesaid provision leaves no ambiguity that the Tribunal has been vested with power to punish a person guilty of violating its order wilfully and deliberately in exercise of the power conferred under the Contempt of Courts Act.

Section 20 of the Contempt of Courts Act provides a period of limitation and its apposite to quote the said provision which runs thus: -

20. *Limitation for actions for contempt.—No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed. —No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed."*

It is, thus, apparent from the aforesaid provision that the Court shall not exercise the power under the aforesaid Act if an application is taken out beyond the period of one year from the date of the commission of a contempt by an authority.

It leaves no ambiguity that neither the Limitation Act nor the period provided in the special statute, destroys the right of the party. What it intended is that it bars the relief from the Court though the right remains. If the person has approached the Court belatedly, that is, beyond the period provided for such relief, the Court shall refuse to exercise the power despite the existence of a right, otherwise, the

purpose of inacting the Limitation Act or providing the period in the special statute, would render meaningless. Admittedly, the application for contempt was taken out beyond the period of limitation under Section 20 of the Contempt of Courts Act, thus, we do not find any illegality and/or infirmity in the impugned order in dismissing the said contempt application as much.

The writ petition as well as the connected application is dismissed.

All parties shall act upon the server copy of this order duly downloaded from the official website of this Court.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)