

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.127 of 2024

In

Civil Writ Jurisdiction Case No.4284 of 2014

=====

Rajendra Bhagat Son of Late Gulab Chandra Bhagat Resident of Mohalla-Durga Mandir Road, Naugachia, P. S. and P.O.- Naugachia, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, (Sri Ravi Prakash) Katihar
3. The Sub Divisional Officer (Sri Alok Ranjan Choudhary) Katihar.
4. The Deputy Collector, Land Reforms, (Smt. Anuradha Kumari) Katihar
5. The Circle Officer, Barari, (Sri Lalaln Mandal) District - Katihar
6. The Superintendent Of Police, (Sri. Jitendra Kumar) District-Katihar.
7. The Officer Incharge, Barari, (Manish Rajak) District - Katihar
8. Manoj Mandal S/o Bharat Bhushan Mandal Resident Of Village - Sujapur Tola Pipra, P.O. Sujapur, P.S. Barari, District - Katihar
9. Kameshwar Mandal S/o Hakaru Mandal Resident Of Village - Sujapur Tola Pipra, P.O. Sujapur, P.S. Barari, District - Katihar
10. Kamala Mandal S/o Baudhi Mandal Resident Of Village - Sujapur Tola Pipra, P.O. Sujapur, P.S. Barari, District - Katihar
11. Pappu Mandal S/o Late Bharat Mandal Resident Of Village - Sujapur Tola Pipra, P.O. Sujapur, P.S. Barari, District - Katihar
12. Bilash Mandal S/o Hakaru Mandal Resident Of Village - Sujapur Tola Pipra, P.O. Sujapur, P.S. Barari, District - Katihar
13. Mohil Lal Mandal S/o Late Baukoo Mandal Resident Of Village - Sujapur Tola Pipra, P.O. Sujapur, P.S. Barari, District - Katihar
14. Nand Lal Mandal S/o Late Bauchi Mandal Resident Of Village - Sujapur Tola Pipra, P.O. Sujapur, P.S. Barari, District - Katihar
15. Musawa Rishi S/o Late Manjoj Rishi Resident Of Village - Sujapur Tola Pipra, P.O. Sujapur, P.S. Barari, District - Katihar
16. Chamak Lal Rishi S/o Biru Rishi Resident Of Village - Sujapur Tola Pipra, P.O. Sujapur, P.S. Barari, District - Katihar
17. Bangata Rishi S/o Mangan Rishi Resident Of Village - Sujapur Tola Pipra, P.O. Sujapur, P.S. Barari, District - Katihar
18. Prasadi Rishi S/o Rameshwar Rishi Resident Of Village - Sujapur Tola Pipra, P.O. Sujapur, P.S. Barari, District - Katihar
19. Bishundeo Rishi S/o Late Baiju Rishi Resident Of Village - Sujapur Tola Pipra, P.O. Sujapur, P.S. Barari, District - Katihar

... .. Opposite Party/s

=====



Appearance :

For the Petitioner/s : Mr. Anu Priyadarshni, Advocate
For the Opposite Party/s : Mr. Additional Advocate General 12

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-06-2024 Heard the parties.

2. The writ Court on 28.09.2016 disposed of CWJC No. 4284 of 2014 with a direction to the petitioner to invoke Section-15 of the Bihar Land Resolution Act, 2009.

3. The contempt petition has been filed in the year 2024 alleging that the opposite party No. 5 is not taking any steps.

4. A show cause on behalf of the opposite party No. 5 is on record and it has taken this Court to a Division Bench order of Patna High Court in MJC No. 1840 of 2023 (disposed on 24.07.2023) in which taking note of the limitation prescribed in Section-20 of the Contempt of Courts Act, 1971 of one year, the contempt petition was dismissed.

5. Paragraphs-10, 11 and 12 of the said order dated 24.07.2023 is quoted hereinbelow:-

“10. The High Court cannot invoke the powers under Article 215 of the Constitution of India, in all the cases by entertaining the contempt petition beyond the period of one year, so as to dilute or eradicate the law prescribed under Section 20 of the Contempt of Courts Act,



1971. All contempt petitions ought to be filed within the limitation prescribed under Section 20 of the Contempt of Courts Act, 1971. The High Court on exceptional circumstances, on arriving a conclusion that a gross injustice to the society or the case is of public importance, then the inherent powers provided under Article 215 of the Constitution of India, can be exercised without reference to Section 20 of the Contempt of Courts Act. A litigant may come out with an interpretation that an injustice is caused to all the orders or judgments passed by the High Courts. Such a general proposition, as advanced by the learned counsel appearing for the petitioner deserves no merit consideration. No doubt, the litigants approach the Court to get justice, that does not mean that all the contempt applications have to be entertained after a period of one year prescribed under Section 20 of the Contempt of Courts Act, 1971. Otherwise, the very object incorporating Section 20 of the Contempt of Courts Act, 1971 would be defeated or it has to be treated as redundant. Generalization in this regard can never be appreciated, While invoking Article 215 of the Constitution of India. Courts have judiciously apply the peculiar facts and circumstances prevailing in each and every case. In other words, Courts have to interpret these provisions in a realistic way than in a general manner. Therefore, it is not a fit case to initiate contempt proceedings or entertain the M.J.C. contempt



proceedings on the limitation issue.

11. In the light of above narrated facts and legal issues, the present M.J.C. contempt petition filed after lapse of more than one year, cannot be entertained in view of Section 20 read with other provisions of Contempt of Courts Act, 1971 and Chapter XXVIII, PART "A" of contempt of Courts (Patna High Court) Rules.

12. Accordingly, present contempt petition stands dismissed."

6. Admittedly, an order by the writ Court was passed on 28.09.2016 and the contempt petition has been filed in the year 2024.

7. Taking note of the Section 20 of the Contempt of Courts Act, 1971 as also the Division Bench's order, as incorporated above, the MJC No. 127 of 2024 stands dismissed.

(Rajiv Roy, J)

Adnan/-

U			
---	--	--	--

