

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.277 of 2024

In

Civil Writ Jurisdiction Case No.4881 of 2017

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Dashrath Mahto S/o Late Hardev Mahto, resident of village- Imamnagar, P.S.
- Suryagarha, Distt. - Lakkhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar, through the District Magistrate Lakhisarai.
2. Sri Sumit Kumar Anand, S/o not known, age not known, the Circle Officer,
Suryagarha, P.S. - Suryagarha, Distt. - Lakhisarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Thakur

For the Opposite Party/s : Mr.Standing Counsel 25

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 09-05-2024 Heard the parties.

2. The present petition has been preferred for compliance of the order dated 25.07.2017 passed in CWJC No. 4881 of 2017 by which direction was given to the respondent/the Circle Officer, Suryagarha, Lakhisarai to dispose of the representation of the petitioner within a period of four months.

3. At the outset, learned State Counsel has raised preliminary objection that the order was passed on 25.07.2017 and after seven years, the petitioner has chosen to file its contempt petition and as such, it is in the teeth of section 20 of



the Contempt of Courts Act, 1971 (for short, 'the Act').

4. A perusal of Section 20 of 'the Act' read as follows:

“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.”

5. A Division Bench of this Court in **MJC No. 947 of 2020** in the case of **M/s Milith Karv Engineering and Trading Pvt. Ltd. vs. the State of Bihar & Ors** on **19.06.2023** dropped the contempt proceeding after holding that the same has not been filed within one year from the date when the contempt alleged to have been committed.

6. The short order read as follows:

“Perusal of the previous order, it is impracticable to decide all these contempt matters together for the reasons that opposite party is not only State but in some of the matters, Bank, Corporation and various Statutory Authorities were required to comply different orders of this Court. In other words, in some of the matters, State



Government is a formal party. Therefore, we are of the view that each individual MJC (contempt) is required to be decided on its own merit. Therefore, we are taking MJC (contempt) on individual case basis.

The present MJC is against the judgment dated 23.02.2015, passed in C.W.J.C. No. 17690 of 2014. The MJC is filed in the year 2020. The contempt petition is not maintainable, since it is not filed within one year from the date of the order. Therefore, prima facie, the present MJC- contempt petition is not maintainable on the ground of delay, read with Section 20 of the Contempt of Court Act, 1971, reserving liberty to invoke appropriate remedy by the petitioner.

Accordingly, the present contempt petition stands dropped.”

7. Admittedly, the Writ Court directed the respondent/opposite party to conclude the proceeding within four months. This order was passed on 25.07.2017. The period of contempt started from 25.11.2017 and came to an end on 24.11.2018. Five years later, the present contempt petition has been filed.

8. In that background, this Court follows the same



route in line with Section 20 of ‘the Act’ as also the order of the Division Bench in M/s Milith Karv Engineering and Trading Pvt. Ltd. (supra).

9. The contempt proceeding stands dropped.

(Rajiv Roy, J)

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