

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.35 of 2021

In
Civil Writ Jurisdiction Case No.7708 of 2016

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Ramji Prasad Son of Late Ram Lakhan Mahto Resident of Mohalla -
Mathuria, Arya Samaj Gali, Neeraj Bhawan, Biharsharif, P.S. Laheri, District
Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Jitendra Srivastava, Principal Secretary, Public Health, Engineering Department (PHED), Government of Bihar, Patna.
2. Yogendra Singh, The District Magistrate, Nalanda.
3. Yogendra Singh, The In-charge District Magistrate, Janshikat Koshang, Nalanda, District- Nalanda.
4. Rakesh Kumar, The Deputy Development Commissioner-cum-Chairman, Zila and Swachhta Samittee, Nalanda.
5. Vijay Kumar Srivastava, The Executive Engineer, Public Health Division Biharsharif-cum-Member, Zila Jal and Swachhata Samittee, Nalanda, District- Nalanda.
6. Sudarshan Singh, The Block Development Officer, Biharsharif, District- Nalanda.
7. Keshav Kumar Singh, The Secretary, Bihar Public Works Contract Dispute Arbitration Tribunal, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None
For the Opposite Party/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 22-08-2024 Nobody appears on behalf of the petitioner, however

learned counsel for the State is present.

2. The present petition has been filed for the following

reliefs:

*“(i) for issuance of an appropriate writ in the
nature of certiorari for quashing of Letter No. 168 dated
02.05.2015 issued under the signature of respondent
Executive Engineer-cum-Member Secretary whereby and*



whereunder the respondent authority has refused to pay the amount of toilets Constructed in School under Nirmal Bharat Abhiyan by the petitioner amount to Rs. 5 Lakhs 60 Thousand only on the ground of Edited photo and without considering the report submitted by the enquiry officer enquired by them on the basis of direction of respondent authority.

(ii) for issuance of an appropriate writ in the nature of Mandamus commanding and directing the respondent authorities to pay the amount of toilets constructed by the petitioner amounting to Rs. 5 Lakhs 60 Thousand under Nirmal Bharat Abhiyan and the payment be made with statutory as well as penal interest.

(iii) for issuance of any other appropriate writ/writs, order/orders, direction/directions for which petitioner shall be found entitled under the facts and circumstances of the case under enquiry of justice.”

3. From perusal of the order which shows that the direction was issued on 27.02.2017 in CWJC No. 7708 of 2016.

4. The Co-ordinate Bench had directed the respondent to decide the case of the petitioner in next six months.

5. No representation is on record showing that the opposite parties were ever approached as incorporated is order of 27.02.2017 and almost three and half years later on 03.01.2024, the contempt petition has been filed.

6. Section 20 of the Contempt of Courts Act, 1971 (hereinafter referred to as the ‘Act’) allows filing of the contempt petition within a period of one year and Section 20 of the Act read as follows :

“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.”

7. From the aforesaid facts, it is clear that the contempt petition has been filed belatedly which cannot be entertained.

8. The present MJC No. 35 of 2021 is dismissed.

(Rajiv Roy, J)

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