

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2080 of 2024

In
Civil Writ Jurisdiction Case No.19909 of 2021

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Niwaran Sewa Sansthan

... .. Petitioner/s

Versus

The State of Bihar through Sri Santosh Kumat Mal

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Uday Pratap Singh, Advocate
For PMC	:	Mr. Prasoon Sinha, Advocate
For the Opposite Party/s	:	Mr.Yogendra Prasad Sinha, AAG-7

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 19-09-2024

The present M.J.C. is filed for non-compliance of order dated 10.01.2022 passed in C.W.J.C. No. 19909 of 2021.

2. Petitioner was asked to submit representation within a period of four weeks. Petitioner had submitted representation on 21.01.2022 and the same was required to be complied by the concerned Respondent within a period of 04 months from the date of receipt of such representation. Cause of action for filing M.J.C. occurred in the month of June, 2022. However, the present M.J.C. is filed in June, 2024. The present M.J.C. should have been filed on or before 20th June, 2023, whereas there is a delay of about one year in filing M.J.C.



Therefore, belated filing of M.J.C. is contrary to Section 20 of Contempt of Courts Act read with Article 215 of the Constitution. Co-ordinate Bench in the case of ***Dr. Rajesh Kumar Sinha & Ors. Vs. The Union of India & Ors.*** bearing ***M.J.C. No. 1840 of 2023 in C.W.J.C. No. 13888 of 2016*** elaborately considered Section 20 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution. Recently, on 22.07.2024 Hon’ble Supreme Court in the case of ***S. Tirupathi Rao Vs. M. Lingamaiah & Ors.*** reported in ***2024 SCC OnLine SC 1764*** held that belated Contempt petitions are not entertainable.

3. Accordingly, the present M.J.C/Contempt petition stands disposed of as not maintainable. Disposal of the present petition would not be a hurdle for the petitioner to invoke writ jurisdiction in accordance with law. Pending I.As, if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.09.2024
Transmission Date	NA

