

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.66 of 2024

In
Civil Writ Jurisdiction Case No.10004 of 2016

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Nawal Kishore Kumar Yadav Son of Ram Naresh Yadav Resident of Village
and P.O.-Ranipur, P.S.-Barharia, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. Vivek Kumar Singh, Principal Secretary Revenue Department, Govt. of Bihar, Old Secretariat Building, Patna.
2. Mr. Mukul Kumar Gupta, The District Collector, Siwan.
3. Mr. Jawed Ahasan, the Additional Distirct Magistrate, Siwan.
4. Shri Rambabu Baitha, the Sub-Divisional Magistrate, Siwan.
5. Shri Rishikesh Kumar, the Circle Officer, Block Barharia, District-Siwan.
6. Dina Yadav Son of Late Bhola Yadav Resident of Village- ranipur, P.S.- Barharia, District-Siwan.
7. Shivbali Yadav Son of Ojagir Yadav Resident of Village-Ranipur, P.S.- Barharia, District-Siwan.
8. Jai Nath Yadav Son of Ganesh Yadav Resident of Village-Ranipur, P.S.- Barharia, District-Siwan.
9. Shiv Nath Yadav Son of Ganesh Yadav Resident of Village-Ranipur, P.S.- Barharia, District-Siwan.
10. Thakur Yadav Son of Sukul Yadav Resident of Village-Ranipur, P.S.- Barharia, District-Siwan.
11. Barma Yadav Son of Sukul Yadav Resident of Village-Ranipur, P.S.- Barharia, District-Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Bardhan Pandey, Advocate
For the Opposite Party/s : Mr. Additional Advocate General 12

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT

Date : 09-05-2024

Heard the parties.

2. The present petition has been preferred for
compliance of the order dated 12.04.2017 passed in CWJC



No. 10004 of 2016 by which direction was given to the respondent/the Circle Officer, Barharia, Siwan to conclude Encroachment Case No. 7/2014-15 within three months.

3. At the outset, learned State Counsel has raised objection that the order was passed on 12.04.2017 and after six 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 order dated 19.06.2023 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



three months. This order was passed on 12.04.2017 and the period of contempt started from 12.07.2017 and came to an end on 11.07.2018. Almost six 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.

9. The contempt proceeding stands dropped.

(Rajiv Roy, J)

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AFR/NAFR	AFR
CAV DATE	
Uploading Date	13.05.2024.
Transmission Date	

