

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.673 of 2025

In
Miscellaneous Jurisdiction Case No.1399 of 2025

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1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
 2. The District Collector, Khagaria.
 3. The Additional Collector, Khagaria, District- Khagaria.
 4. The Deputy Collector Land Reforms, Khagaria, District- Khagaria.
 5. The Circle Officer, Circle Khagaria, District- Khagaria.

... .. Appellant/s

Versus

1. M/s Mukesh Raj, Re-Rolling Mills Pvt. Ltd. A Company incorporated under the Companies Act, 1956 having its registered office at Thana Chouk Khagaria, represented through its director, namely Mukesh Kumar, male, aged about 55 years, S/o Late Manohar Prasad, R/o Thana Chouk Khagaria, P.S.- Khagaria, District- Khagaria.
2. Mukesh Kumar S/o Late Manohar Prasad, R/o Thana Chouk Khagaria, P.S.- Khagaria, District- Khagaria.
3. Rajesh Kumar S/o Late Manohar Prasad, R/o Thana Chouk Khagaria, P.S.- Khagaria, District- Khagaria.
4. Suresh Prasad @ Suresh Kumar S/o Late Vijay Chand Prasad, R/o Thana Chouk Khagaria, P.S.- Khagaria, District- Khagaria.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. P.K. Shahi, AG Mr. Pankaj Kumar, SC-12 Mr. Pramod Kumar Yadav (AC To SC-12)
For the Respondent/s	:	Mr. Sanjay Singh, Sr. Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 09-07-2025

Heard Mr. P.K. Shahi, the learned Advocate

General for the appellants and Mr. Sanjay Singh, the



learned Senior Advocate for the respondents.

Re: I. A. No. 01 of 2025.

2. The learned Advocate for the appellants presses I. A. No. 01 of 2025 for condoning the delay of 20 days in preferring this appeal.

3. For the reasons stated in the application, the delay of 20 days in filing this appeal is condoned.

4. I. A. No. 01 of 2025 stands allowed.

Re: L.P.A. No. 673 of 2025.

5. The writ petitioners (CWJC No. 15379 of 2024) were aggrieved by a proceeding initiated against them for cancellation of their long standing *jamabandi*.

6. In fact, the land in question measuring 21 Bighas in the district of Khagaria had been settled by the ex-landlord in favour of one Ali Ahmad Khan in the year 1941-42. Thereafter, the property was partitioned and later sold to the ancestors of the writ petitioners. Separate *jamabandis* were created with respect to the land in question.



7. Much later, on the ground of the lands not being on the grid of the Revenue Department, the *jamabandi* was sought to be cancelled. This was prevented by the judgment passed by the learned Single Judge on various grounds, one being that the long standing *jamabandi* could not be cancelled in a summary proceeding and if the State authorities, at any point of time, intend to get the *jamabandis* in the name of the writ petitioners cancelled, they would be well advised to approach the Court of competent jurisdiction for the same. However, the writ Court declared that till then, the rent receipts in favour of the writ petitioners shall be issued.

8. Thereafter, it appears that manual rent receipts were provided to the writ petitioners.

9. The online rent receipts could not be given for the reason that the land in question is a Topo land, which stands unmeasured and, therefore, the details could not have been made to percolate in the digital record of the



Revenue Department.

10. Apprehending that the full enjoyment of the property in the shape of the land would only be possible if online rent receipts are issued, the writ petitioners preferred a contempt application bearing M.J.C. No. 1399 of 2025, in which the learned Single Judge *vide* his order dated 09.05.2025 (impugned in the present appeal) has directed the appellants/Opposite Party Nos. 3 and 5 therein to file their respective show-cause reply, whereupon, the Court would consider whether to initiate any contempt proceeding against them.

11. It was further clarified that if any obstruction is created by any authority in compliance of the judgment of the learned Single Judge in CWJC No. 15379 of 2024, referred to above, contempt proceeding shall also be initiated against such officer.

12. Apprehending serious action against the Opposite Party No. 3 therein/appellants here, the present appeal has been filed primarily on the ground that a



contempt petition ought not to have been entertained in this case, as the writ Court had only directed for the rent receipts to be given to the parties in whose favour *jamabandi* had been created.

13. The direction was not for grant of online receipts.

14. Though, an interim order passed in a contempt application has been challenged in appeal, but considering the decision in ***Midnapore Peoples' Co-Op. Bank Ltd. & Ors. vs. Chunilal Nanda & Ors.; (2006) 5 SCC 399***, we have entertained this appeal.

15. On a plain reading of the judgment of the writ Court, it appears that the direction was for issuance of rent receipts, which has been done by the appellants herein. If the writ petitioners/land owners require any further direction or clarification, it would be open for them to approach an appropriate forum for that; but we are afraid whether in such a fact situation, a contempt petition could have been entertained by the learned



Single Judge.

16. In ***Jharieswar Prasad Paul & Anr. vs. Tarak Nath Ganguly & Ors.; (2002) 5 SCC 352***, it has been held as follows:-

“11. The purpose of contempt jurisdiction is to uphold the majesty and dignity of the Courts of law, since the respect and authority commanded by the courts of law are the greatest guarantee to an ordinary citizen and the democratic fabric of society will suffer if respect for the judiciary is undermined. The Contempt of Courts Act, 1971 has been introduced under the statute for the purpose of securing the feeling of confidence of the people in general for true and proper administration of justice in the country. The power to punish for contempt of court is a special power vested under the Constitution in the courts of record and also under the statute. The power is special and needs to be exercised with care and caution. It should be used sparingly by the courts on being satisfied regarding the true effect of contemptuous conduct. It is to be kept in mind that the court exercising the jurisdiction to punish for contempt does not function as an original or appellate court for determination of the disputes between the parties. The contempt jurisdiction should be confined to the question whether there has been any deliberate disobedience of the



order of the court and if the conduct of the party who is alleged to have committed such disobedience is contumacious. The court exercising contempt jurisdiction is not entitled to enter into questions which have not been dealt with and decided in the judgment or order, violation of which is alleged by the applicant. The court has to consider the direction issued in the judgment or order and not to consider the question as to what the judgment or order should have contained. At the cost of repetition, be it stated here that the court exercising contempt jurisdiction is primarily concerned with the question of contumacious conduct of the party, which is alleged to have committed deliberate default in complying with the directions in the judgment or order. If the judgment or order does not contain any specific direction regarding a matter or if there is any ambiguity in the directions issued therein then it will be better to direct the parties to approach the court which disposed of the matter for clarification of the order instead of the court exercising contempt jurisdiction taking upon itself the power to decide the original proceeding in a manner not dealt with by the court passing the judgment or order. If this limitation is borne in mind then criticisms which are sometimes levelled against the courts exercising contempt of court jurisdiction "that it has exceeded its powers in granting substantive relief and issuing a direction regarding the



same without proper adjudication of the dispute" in its entirety can be avoided. This will also avoid multiplicity of proceedings because the party which is prejudicially affected by the judgment or order passed in the contempt proceeding and granting relief and issuing fresh directions is likely to challenge that order and that may give rise to another round of litigation arising from a proceeding which is intended to maintain the majesty and image of courts."

17. Similarly in ***Sudhir Vasudeva, Chairman and Managing Director, Oil and Natural Gas Corporation Limited & Ors. vs. M. George Ravishekar & Ors.; (2014) 3 SCC 373***, it has been held as follows:-

"19. The power vested in the High Courts as well as this Court to punish for contempt is a Special and rare power available both under the Constitution as well as the Contempt of Courts Act, 1971. It is a drastic power which, if misdirected, could even curb the liberty of the individual charged with commission of contempt. The very nature of the power casts a sacred duty in the Courts to exercise the same with the greatest of care and caution. This is also necessary as, more often than not, adjudication of a contempt plea involves a process of self-determination of the sweep,



meaning and effect of the order in respect of which disobedience is alleged. The Courts must not, therefore, travel beyond the four corners of the order which is alleged to have been flouted or enter into questions that have not been dealt with or decided in the judgment or the order violation of which is alleged. Only such directions which are explicit in a judgment or order or are plainly self-evident ought to be taken into account for the purpose of consideration as to whether there has been any disobedience or wilful violation of the same. Decided issues cannot be reopened; nor can the plea of equities be considered. The Courts must also ensure that while considering a contempt plea the power available to the Court in other corrective jurisdictions like review or appeal is not trenched upon. No order or direction supplemental to what has been already expressed should be issued by the Court while exercising jurisdiction in the domain of the contempt law; such an exercise is more appropriate in other jurisdictions vested in the Court, as noticed above. The above principles would appear to be the cumulative outcome of the precedents cited at the Bar, namely, Jhareswar Prasad Paul v. Tarak Nath Ganguly, V.M. Manohar Prasad v. N. Ratnam Raju, Bihar Finance Service House Construction Coop. Society Ltd. v. Gautam Goswami and Union of India v. Subedar Devassy PV.”



18. Considering this aspect of the matter, we dispose the appeal with a direction that the records of the M.J.C. No. 1399 of 2025 would stand closed with the liberty to the writ petitioners to approach the appropriate forum for the needful, if so desired.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
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