

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2217 of 2024

In
Civil Writ Jurisdiction Case No.3838 of 1991

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Ankush Rajhans S/o Prakash Chandra Yadav R/o Village- Near Railway Station, Netaji Subhash Colony, P.S.- Sahebganj, District- Sahebganj.

... .. Petitioner/s

Versus

1. The State of Jharkhand through the Commissioner, Santhal Pargana, namely Shri Lalchand Dadel Officiating from his office at Dumka, P.O. and P.S.- Dumka, Dist.- Dumka, Jharkhand.
2. Deputy Commissioner, Sahibganj, namely Shri Hemant Sati officiating from his office at O/o the Deputy Commissioner, P.O. and P.S.- Sahibganj, Dist.- Sahibganj, Jharkhand.
3. State of Bihar, through the District Magistrate Katihar, namely Shri Manesh Kumar Meena, officiating from his office and P.S.- Katihar, Dist.- Katihar, Bihar- 854105.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manisha Khushi, Advocate
For O.O. No.1 & 2 (Jharkhand) : Mr. Dev Kr. Pandey, SC-2, for Jharkhand State
For O.P. No. 3(Bihar) : Mr. Raghwanand, G.A.-11
Mr. Pratik Kumar, A.C. to G.A-11.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

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

5 17-03-2025 Heard learned counsel for the parties.

2. The petitioner has prayed for following relief/s:-

“The petitioner prays for initiation of contempt proceeding against the contemnors for deliberate violation of the order dated 7th of May, 1992 passed in C.W.J.C. No.3838 of 1991 passed by the Bench comprising of Hon’ble Mr. Justice B.P. Singh and Hon’ble Mr. Justice S.K. Chattopadhyay.”



3. One of the ingredient for filing contempt petition is to comply Section 20 of the Contempt of Courts Act 1971, with reference to cause of action accrued to the aggrieved person, contempt of courts petition is required to be filed within one year. In the present case order is dated 7th May, 1992 passed in C.W.J.C. No. 3838 of 1991. Between the year 1992 to 2024 number of auctions have been undertaken, therefore, petitioner had cause of action at the 1st auction proceedings.

4. On the other hand, the present contempt petition is filed with reference to auction proceedings stated to have been initiated on 6.6.2024 read with on 21.06.2024.

5. At this stage, learned counsel for the respondents, on instruction, submitted that auction proceedings dated 06.06.2024 and 21.06.2024 has been withdrawn Thereafter, such a withdrawal is subject matter of litigation before the Jharkhand High Court.

6. Be that as it may, having regard to the fact that present contempt petition is not maintainable to the extent that it is not in consonance with Section 20 of the Contempt of Court Act 1971 read with Article 215 of the Constitution of India. So also Coordinate Bench decision of this Court in the case of **Dr. Rajesh Kumar Sinha and Others Vs. The Union of India and**



others (M.J.C. No.1840 of 2023) elaborately considered the
aforementioned provisions to the extent that Contempt petition
cannot be entertained beyond one year period. Further, recently,
the Hon’ble Supreme Court in the case of **S. Tirupati Rao Vs.**
M. Lingamaiah and Others decided on **22nd of July, 2024**
(2024 SCC online SC 1764) has held that belated Contempt
Petition is not entertainable.

7. Accordingly, the present Contempt/MJC petition
stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

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