



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

103**COCP-2963-2025****Date of Decision: 22.07.2025****Jagjit Singh**

....Petitioner

Versus

K.A.P.Sinha, IAS and another

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Kuldip Singh, Advocate
for the petitioner.

Mr. Ravinder Singh Rawal, Assistant Advocate General, Punjab.

VIKAS SURI, J. (Oral)

1. Prayer in this petition under Section 12 of the Contempt of Courts Act, 1971 is for initiating contempt proceedings against the respondents for alleged wilful disobedience of the judgment and order dated 28.01.2011 passed by the Hon'ble Supreme Court in Civil Appeal No.1132/2011 @ SLP (C) No.3109/2011 (arising out of Special Leave Petition (Civil) CC No.19869 of 2010), titled as *Jagpal Singh and others vs. State of Punjab and others*.
2. On the previous hearing, counsel for the petitioner was called upon to address on the maintainability of the instant petition, in view of the objection raised by the State counsel.
3. The short question that would arise for consideration is whether the High Court is vested with the jurisdiction to initiate and conduct proceedings for contempt of the Hon'ble Supreme Court.



4. The said question is no longer *res integra*. The Hon'ble Supreme Court in the decision rendered in ***Vitusah Oberoi and others vs. Court of its own motion, (2017) 2 SCC 314***, held that the High Court lacks power under Article 215 to initiate proceedings for contempt of the Supreme Court. It was further laid down that if the Apex Court does not exercise power to punish for contempt of itself under Article 219, then subordinate courts cannot exercise such power. The relevant portion of the judgment, reads as thus:

“10. There is, from a plain reading of the above, nothing in the Contempt of Courts Act, 1971 or in Article 215 of the Constitution which can be said to empower the High Court to initiate proceedings suo motu or otherwise for the contempt of a superior Court like the Supreme Court of India. As a matter of fact, the Supreme Court under Article 129 and High Court under Article 215 of the Constitution are both declared to be Courts of record. One of the recognised attributes of a court of record is the power to punish for its contempt and the contempt of courts subordinate to it. That is precisely why Articles 129 and 215, while declaring the Supreme Court and the High Courts as Courts of record, recognise the power vested in them to punish for their own contempt. The use of the expression “including” in the said provisions is explanatory in character. It signifies that the Supreme Court and the High Courts shall, as Courts of records, exercise all such powers as are otherwise available to them including the power to punish for their own contempt.

11. x x x x

12. The power to punish for contempt vested in a Court of record under Article 215 does not, however, extend to punishing for the contempt of a superior court. Such a power has never been recognised as an attribute of a court of record nor has the same been specifically conferred upon the High Courts under Article 215. A priori if the power to punish under Article 215 is limited to the



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contempt of the High Court or courts subordinate to the High Court as appears to us to be the position, there was no way the High Court could justify invoking that power to punish for the contempt of a superior court. That is particularly so when the superior court's power to punish for its contempt has been in no uncertain terms recognised by Article 129 of the Constitution. The availability of the power under Article 129 and its plenitude is yet another reason why Article 215 could never have been intended to empower the High Courts to punish for the contempt of the Supreme Court. The logic is simple. If Supreme Court does not, despite the availability of the power vested in it, invoke the same to punish for its contempt, there is no question of a Court subordinate to the Supreme Court doing so. Viewed from any angle, the order passed by the High Court appears to us to be without jurisdiction, hence, liable to be set aside."

5. In the light of the law laid down by the Hon'ble Supreme Court in **Vitusah Oberoi's case** (supra), the prayer made in the present petition is not tenable and the petition is liable to be rejected, as such. However, it will be open to the petitioner to avail his remedy, in accordance with law, if so advised.

6. Resultantly, the present petition is dismissed with the aforesaid observations.

July 22, 2025
Varinder

(VIKAS SURJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No