

(2001) 01 CHH CK 0019
In the Chhattisgarh High Court
Case No : Contempt Petition No. 1 of 2001

Ayodhya Prasad Soni

APPELLANT

Vs

Tulsibai

RESPONDENT

Date of Decision : 10-01-2001

Acts Referred:

Constitution of India, 1950 — Article 215
Contempt of Courts Act, 1971 — Section 10, 23(1), 23(2)
Madhya Pradesh Re-organisation Act, 2000 — Section 30, 30(3)

Citation : (2001) 1 CGLJ 40

Hon'ble Judges : R.S. Garg, J

Bench : Division Bench

Advocate : Prashant Jaiswal, for the Appellant;

Final Decision : Dismissed

Judgement

R.S. Garg, J.—By this petition under Article 215 of the Constitution of India read with Section 10 of the Contempt of Courts Act, the Petitioner seeks conviction and award of sentence against the Respondent.

Undisputedly, in M.P. No. 236/1987 the High Court of Madhya Pradesh vide its judgment dt. 4-7-2000 allowed the petition filed by the Petitioner and directed that Respondent No. 1 to reinstate the Petitioner if not otherwise disentitled on the post.

2. The Petitioner submits that despite the directions of the High Court, the Respondent who is President of the Mandi Committee is not reinstating the Petitioner and as such she is liable to be proceeded with under Article 215 of the Constitution of India and Section 10 of the Contempt of Courts Act. Placing strong reliance on the provisions of Section 30 of the Madhya Pradesh Reorganisation Act, 2000 Shri Jaiswal, learned Counsel for the Petitioner submits that in view of Sub-section (1) and (2) of the Act, after formation of the State of Chhattisgarh the High Court of Madhya Pradesh shall have no jurisdiction in respect of the transferred territory, therefore, and as, the contempt of the order

passed by the M.P High Court has been committed within the local territory of Chhattisgarh, this Court would have jurisdiction to entertain the petition and punish the contemner.

Unfortunately the arguments raised by the learned Counsel for the Petitioner loses sight of Sub-section (3) of Section 30 of the Act. Sub-section (3) provides that "Notwithstanding anything contained in Sub-sections (1) and (2) of this section or in Section 23, but save as hereinafter provided, the High Court of Madhya Pradesh shall have, and the High Court of Chhattisgarh shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to the Supreme Court, applications for review and other proceedings where any such proceedings seek any relief in respect of any order passed by the High Court of Madhya Pradesh before the appointed day." The words "that the High Court of Chhattisgarh shall not have jurisdiction to entertain, hear or dispose of any matter where the proceedings seek any relief in respect of any order passed by the High Court of Madhya Pradesh before the appointed day", are the key-words.

Undisputedly the writ petition was finally disposed of by the High Court of Madhya Pradesh and the Petitioner now is seeking some relief in respect of the said order which was passed by the High Court of Madhya Pradesh before the appointed day.

3. In any case the Petitioner is free to approach the High Court of Madhya Pradesh and may make a request to Hon"ble the Chief Justice of the High Court that the matter after its institution in Madhya Pradesh for some reason or other or because of the territorial jurisdiction deserves to be transferred to the High Court of Chhattisgarh. The Hon"ble Chief Justice after hearing the parties may pass order in accordance with the proviso appended to Sub-section (3) of Section 30 of the Act.

In view of the bar contained in Sub-section (3) of Section 30 of the Madhya Pradesh Reorganisation Act, 2000 it is not possible for this Court to entertain this petition. It is accordingly dismissed.