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**(1966) 10 MP CK 0008**

**In the Madhya Pradesh High Court**

**Case No : Miscellaneous Civil Case No. 222 of 1966**

Moolchand Hansraj

APPELLANT

Vs

K.K.R. Naidu and Others

RESPONDENT

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**Date of Decision : 05-10-1966**

**Acts Referred:**

Contempt of Courts Act, 1952 — Section 3

**Citation :** AIR 1968 MP 253 : (1968) J LJ 365 : (1968) 13 MPLJ 354 : (1968) MPLJ 354

**Hon'ble Judges :** P.V. Dixit, C.J.; R.J. Bhavde, J

**Bench :** Division Bench

**Advocate :** Y.S. Dharmadhikari, for the Appellant;

**Final Decision :** Dismissed

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## Judgement

Dixit, C.J.

This is a petition u/s 3 of the Contempt of Courts Act, 1952, for committing the respondents for contempt of Court. The first respondent is the Sub-Divisional Officer, Waraseoni, District Balaghat; the second respondent is the Circle Inspector of Police, Waraseoni; and the third respondent is the Superintendent of Police, Balaghat.

The petitioner says that he holds a mining lease in respect of certain lands situated in village Koilari of Waraseoni Tehsil; that the lease was granted to him on 20th October 1956 and is for a period of 20 years; that on a report being made by some interested person that the petitioner has without any lawful authority extracted and removed minerals, the Sub-Divisional Officer started an enquiry u/s 247 of the M.P. Land Revenue Code, 1959; that during the pendency of proceedings u/s 247 of the Code, the Sub-Divisional Officer made a report to the police asking the police authorities to register a case of theft against the petitioner and he also handed over to the Circle-Inspector of Police the measurement, book seizure memo, Supratnama, and other documents filed in

the proceedings u/s 247 of the Code.

The petitioner's contention is that the Sub-divisional Officer, who is holding an enquiry against him u/s 247 of the Code under the orders of the Collector, functions as a Court; that the matter of illegal extraction and removal of minerals being sub judice before the Sub-Divisional Officer, he could not ask the Police authorities to register a case of theft against the petitioner and start a parallel enquiry by the Police and could not also hand over the documents filed in the proceedings u/s 247 of the Code to the police authorities; that the Sub-divisional Officer by making a report to the Police against the petitioner about the offence of theft and by handing over certain documents filed in proceedings u/s 247 of the Code to the Police has committed contempt of Court; and that the Circle Inspector, who is investigating the offence of theft, has also committed contempt of Court.

After hearing Shri Dharmadhikari, learned counsel for the petitioner, we have reached the conclusion that this petition must be dismissed on the short ground that the Collector, or any Revenue Officer authorised by him, holding an enquiry under Sub-section (7) of Section 247 into an allegation of illegal extraction or removal of mineral from any mine or quarry does not function as a "court", but functions as a Revenue or fiscal officer. The expression "Courts subordinate to the High Courts", for the purposes of Section 3 of the Contempt of Courts Act, 1952 means, as pointed out by the Supreme Court in *Brajnandan Sinha Vs. Jyoti Narain*, , the Courts of law subordinate to the High Courts in the hierarchy of Courts established for the purpose of administration of justice throughout the Union. The Collector, or a Revenue Officer authorised by the Collector, holding an enquiry u/s 247(7) of the Code is clearly not a "Court subordinate to the High Court" within the meaning of Section 3 of the Contempt of Courts Act, 1952.

Learned counsel referred us to the decision in *D. Jones Shield Vs. N. Ramesam and Others*, , where it has been held that any parallel enquiry conducted by an officer with regard to a matter which is sub judice is bound to interfere with the even and ordinary course of justice and, therefore, the holding of a parallel enquiry by a public officer into a matter which is sub judice amounts to contempt of Court. That case is not in point here. That was a case where a revision petition arising out of a complaint filed by one D. Jones Shield was pending before the Sessions Judge of Guntur and it was said that during the pendency of that revision petition the District Collector, Guntur, and his Personal Assistant, enquired into the complaint and came to the conclusion that it was false and intimated to the Public Prosecutor. Guntur, to represent the said facts to the Sessions Judge. The learned Judges of the Andhra Pradesh High Court, after pointing out that the holding of a parallel enquiry by an executive officer in a matter which is sub judice would amount to contempt of Court, found that in the case before them no parallel enquiry had been conducted. In the Andhra Pradesh case it was not held that a Revenue Officer holding an enquiry of the nature contemplated by Section 247(7) of the Code functioned as a "Court" and when

such an enquiry is initiated before a Revenue Officer the matter becomes sub judice. We have already said, the Collector, or the Revenue Officer authorised by him, holding an enquiry u/s 247(7) of the Code functions not as a "Court"" but merely as Revenue or fiscal officer. That being so, it cannot prima facie be held that by making a report to the Police that he did and by handing over to the Police certain documents, filed in the proceedings u/s 247, the Sub-divisional officer committed any contempt of Court. Equally, it cannot be held that the Circle Inspector and the District Superintendent of Police have, by investigation into the complaint made by the Sub-divisional Officer, started a parallel enquiry in a matter which is sub judice before the Sub-divisional Officer and thus committed contempt of Court.

For these reasons, this application is summarily dismissed.