

(2005) 09 AHC CK 0315
In the Allahabad High Court

Case No : Civil Miscellaneous Contempt Application No. 2642 of 2005

Paras Nath Yadav

APPELLANT

Vs

Sri Ramendra Tripathi Zila Adhikari and Sri Mahendra Pratap
Singh Up-Ziladhikari

RESPONDENT

Date of Decision : 06-09-2005

Acts Referred:

Contempt of Courts Act, 1971 — Section 20

Citation : (2005) 09 AHC CK 0315

Hon'ble Judges : S.P. Mehrotra, J

Bench : Single Bench

Advocate : B.N. Pandey, for the Appellant;

Final Decision : Dismissed

Judgement

S.P. Mehrotra, J.—The present Contempt Petition has been filed, inter-alia, by the petitioner-applicant on the ground of alleged non-compliance of the order dated 11th March, 1999 (Annexure 1 to the Affidavit accompanying the Contempt Petition) passed by this Court in Civil Misc. Writ Petition 7261 of 1999.

2. Relevant portion of the said order dated 11th March, 1999 is quoted below :

As the question involved is too trivial to drag on unnecessarily before this Court, hence after hearing the learned Counsel for the petitioner as well as the learned Standing Counsel 1 dispose of this writ petition by issuing direction to the respondent Nos. 2 and 3 to pass appropriate order on the application of the petitioner within six weeks from the date of presentation of a copy of this order.

3. From a perusal of the averments made in paragraph 11 of the Affidavit accompanying the Contempt Petition and Annexure 2 to the Affidavit accompanying the Contempt Petition, it appears that a certified copy of the said order dated 11th March, 1999 was sent to the Zila Adhikari, Basti and the Up Zila Adhikari, Basti by Registered Post on 20th March, 1999.

4. In view of the directions given in the said order dated 11th March, 1999, the application of the petitioner was to be decided within six weeks of the receipt of the said certified copy of the order dated 11th March, 1999. The said period of six weeks evidently expired some time in May, 1999. Consequently, cause of action for filing Contempt Petition arose some time in May, 1999. In the circumstances, the Contempt Petition ought to have been filed within one year i.e., by May, 2000, in view of the provisions of Section 20 of the Contempt of Courts Act, 1971.

5. The present Contempt Petition has been filed on 23rd August, 2005. Therefore, the Contempt Petition is clearly not maintainable in view of the provisions of Section 20 of the Contempt of Courts Act, 1971 which lays down as under:

20. Limitation for actions for contempt. -No Court shall initiate any proceedings for contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.

6. It is submitted by the learned Counsel for the petitioner-applicant that the petitioner-applicant has been making representations from time to time to the authorities concerned, but the authorities concerned did not comply with the said order dated 11th March, 1999.

7. I have considered the submission made by the learned Counsel for the petitioner-applicant.

8. In my opinion, the period of one year contemplated u/s 20 of the Contempt of Courts Act, 1971, having expired some time in May, 2000, subsequent representations made by the petitioner-applicant from time to time, as alleged by the petitioner-applicant, will not enlarge the period mentioned in Section 20 of the Contempt of Courts Act, 1971.

9. In view of the aforesaid discussion, the Contempt Petition is liable to be dismissed, and the same is accordingly dismissed. Dt. 6-9- 2005/Contempt Petn. 2642 of 05/AK