

(2004) 05 AHC CK 0216

In the Allahabad High Court

Case No : Civil Miscellaneous Contempt Petition No. 588 of 1993

Rajpal Singh, Hira Singh, Collection Amin, Vijendra Kumar, APPELLANT
Collection Amin and Sushil Kumar, Collection Amin

Vs

Shri Uma Kant, Collector, Shri Dilip Kumar Gupta, Additional RESPONDENT
District Magistrate (Finance and Revenue) and Shri Jagdish
Prasad Sharma, Sub Divisional Officer

Date of Decision : 19-05-2004

Acts Referred:

Contempt of Courts Act, 1971 — Section 12, 20

Citation : (2004) 05 AHC CK 0216

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

Bench : Single Bench

Advocate : Satish Dwivedi, for the Appellant;

Final Decision : Dismissed

Judgement

S.P. Mehrotra, J.—The present contempt petition has been filed u/s 12 of the Contempt of Courts Act, 1971. It is, inter-alia, prayed that the opposite parties be punished for having committed contempt of this Court by disobeying the order dated 01-10-1992 passed by this Court in Civil Misc. Writ Petition No. Nil of 1992, Raj Pal Singh and Ors. v. The Secretary, Ministry of Revenue, Government of U.P., Lucknow and Ors.

2. The present contempt petition was filed on 26th March, 1993.

3. By the order dated 27th March, 1993, the contempt petition was directed to be listed on 12th April, 1993.

4. A perusal of the order-sheet shows that the contempt petition was, thereafter, put up before the Court on various dates but no order was passed directing for issuance of notices to the opposite parties on the contempt petition. Hence, evidently, no order has so far been passed on the contempt petition directing for issuance of notices to the opposite parties.

5. No notice has thus, so far been issued to any of the opposite parties on the contempt petition.

6. In the circumstances, I am of the opinion that no useful purpose will be served by directing for issuance of notices to the opposite parties now after a lapse of about 11 years since the filing of the contempt petition in March, 1993.

7. There is yet another aspect of the matter. Section 20 of the Contempt of Courts Act, 1971 provides as follows:

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.

8. In the present case, as per the averments made in the prayer clause of the contempt petition, the contempt is alleged to have been committed on 1-1-1993.

9. No peculiar circumstances have been brought to the notice of this Court to persuade it to direct for issuance of the notices to the opposite parties on the Contempt Petition now after a lapse of about 11 years, since the alleged commission of contempt by the opposite parties in January, 1993.

10. In view of the aforesaid discussion, I am of the opinion that the present Contempt Petition has become infructuous, and the same is liable to be dismissed as such.

11. The Contempt Petition is accordingly dismissed as having become infructuous.