

(2020) 06 CHH CK 0013
In the Chhattisgarh High Court
Case No : Contempt No. 424 Of 2020

Vishnu Goyal And Ors

APPELLANT

Vs

Alremel Mangai D. Secretary And Ors

RESPONDENT

Date of Decision : 19-06-2020

Acts Referred:

Contempt Of Court Act, 1971 — Section 12, 20
Constitution Of India, 1950 — Article 215

Citation : (2020) 06 CHH CK 0013

Hon'ble Judges : Sharad Kumar Gupta, J

Bench : Single Bench

Advocate : B.P. Singh

Final Decision : Dismissed

Judgement

@JUDGMENT-JUDGMENT

Sharad Kumar Gupta, J

1. The applicants have preferred this contempt petition under Section 12 of the Contempt of Court Act, 1971 (In short "" Act of 1971"") read with

Article 215 of the Constitution of India against the non-applicants for non-compliance of order of Single Bench of this Court dated 17-09-2012.

2. Earlier while deciding the WPS No.5138/1997 filed by the applicants and others, Single Bench of this Court passed an order dated 17.09.2012

(Annexure C-1), para 9 of which is quoted below:-

9. Accordingly, the respondent-Corporation are directed to consider the case of the petitioners immediately for allotment of plots, which have been

kept vacant reserved for the petitioners on the basis of premium paid by them. If something more is required to be paid towards allotment of the plots,

the same may also be considered by the respondent-authorities, however, it should not be exorbitant or at the prevailing rate as on date.

3. Being aggrieved, non-applicant No.3 had preferred WA No.1106/2012 which was dismissed by Hon'ble Division Bench of this Court vide order dated 01-01-2013.

4. Counsel for the applicants submitted that non-applicants are not complying the order of this Court dated 17-09-2012. In the case in hand writ appeal

preferred by non-applicant No.3 has been dismissed. They had made so many representations but their case has not been considered. The non-

applicants are trying to defeat justice and their act amounts to contempt of this Court. Hence, they may be punished. He drew my attention on

Annexure C-1, Annexure C-2, copy of letters collectively Annexure C-3, copy of note sheets collectively Annexure C-4, copy of letters respectively

Annexure C-5 and Annexure C-6.

5. As per the provisions of Section 20 of the Act of 1971 limitation for action of contempt is one year from the date on which the contempt is alleged

to have been committed.

6. In the case in hand, impugned order was passed on 17-09-2012 and Hon'ble Division Bench passed the order on 01-01-2013. Instant contempt

petition is filed on 22-05-2020.

7. Looking to the above mentioned facts and circumstances of the case, this Court finds that instant petition is barred by limitation as per the provisions

of Section 20 of the Act of 1979.

8. Consequently, instant contempt petition is not admitted for final hearing and dismissed in limine.