

(2004) 02 AHC CK 0215

Allahabad High Court

Case No: None

Akhilesh Kumar Verma and Algu
Ram

APPELLANT

Vs

Ram Surat Singh, Managing
Director, U.P. Jal Nigam

RESPONDENT

Date of Decision: Feb. 4, 2004

Acts Referred:

- Constitution of India, 1950 - Article 215
- Contempt of Courts Act, 1971 - Section 20

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

Bench: Single Bench

Final Decision: Dismissed

Judgement

S.P. Mehrotra, J.

The present Contempt Petition was filed under Article 215 of the Constitution of India read with Section 12 of the Contempt of Courts Act, 1971, inter-alia, praying that the proceedings for contempt of this Court be drawn against the Opposite Party for dis-obeying the directions contained in the order 22-9-1992 passed in Civil Misc. Writ Petition No. Nil of 1992 Akhilesh Kumar and Ors. v. Managing Director, U.P. Jal Nigam and Ors.

2. A perusal of the affidavit accompanying the Contempt Petition shows that by the said order dated 22-9-1992, the said Civil Misc. Writ Petition No. Nil of 1992 Akhilesh Kumar and Ors. v. Managing Director, U.P. Jal Nigam and Ors. was dismissed. However, it was directed that the Respondent No. 1 in the said Writ Petition would decide the representation of the petitioners-applicants in the said Writ Petition within the time specified in the said order dated 22-9-1992. Copy of the said order dated 22-9-1992 has been filed as Annexure 3 to the affidavit accompanying the Contempt Petition.

3. The present Contempt Petition was filed on 30th March, 1993. By the order dated 31st March, 1993, the Contempt Petition was directed to be listed in the next week.
4. No order appears to have been passed thereafter.
5. It is thus evident that no order has so far been passed directing for issuance of notice to the Opposite Party on the Contempt Petition. As such, no notice has so far been issued to the Opposite Party 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 notice to the Opposite Party now after a lapse of about 11 years since the filing of the Contempt Petition in March, 1993.
7. There is one more aspect of the matter. Section 20 of the Contempt of Courts Act, 1971 is 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 Affidavit accompanying the Contempt Petition, the contempt is alleged to have been committed during the period from November, 1992 to March, 1993.
9. Keeping in view the aforesaid provisions of Section 20 of the Contempt of Courts Act, 1971, there is no occasion to direct for issuance of any notice to the Opposite Party now after a lapse of about 11 years, since the alleged commission of contempt by the Opposite Party during the period from November, 1992 to March, 1993.
10. No peculiar circumstances have been brought to the notice of this Court persuading it to direct for issuance of notice on the Contempt Petition to the Opposite Party at such a late stage.
11. In view of the aforesaid discussion, I am of the opinion that the Contempt Petition is liable to be dismissed as having become infructuous.
12. The Contempt Petition is accordingly dismissed as having become infructuous.