

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	14.06.2023		<p>CLCON No. 330 of 2022 CLCON No. 361 of 2022 CLCON No. 363 of 2022</p> <p><u>Hon'ble Vipin Sanghi, C.J.</u> <u>Hon'ble Manoj Kumar Tiwari, J.</u> <u>Hon'ble Ravindra Maithani, J.</u></p> <ol style="list-style-type: none"> 1. Mr. Parikshit Saini, learned counsel for the petitioner in CLCON No. 330 of 2022. 2. Mr. S.S. Yadav, learned counsel for the petitioners in CLCON No. 361 of 2022. 3. Mr. Bhupesh Kandpal, learned counsel for the petitioner in CLCON No. 363 of 2022. 4. Mr. J.S. Virk, learned Deputy Advocate General for the State of Uttarakhand. 5. Mr. Yogesh Pacholia, learned <i>Amicus Curiae</i>. 6. The following question of law has been referred by the learned Single Judge for consideration by the Full Bench :- <p style="text-align: center;"><i>"Whether a contempt would lie for violation of an order passed by High Court in exercise of jurisdiction under Article 226 of Constitution of India, 1950, consider and disposed of representation of the petitioner by the authorities?"</i></p> 7. The said question has been referred in the context that in the Writ Petitions, preferred by the petitioners in the aforesaid three Contempt Petitions, orders were passed, disposing of the Writ Petitions, with a direction to the respondent-State authorities to decide the representation made by the writ petitioners within the time granted by the Court. However, since those representations were not decided within the time granted by the Court, Civil Contempt Petitions have been preferred.

8. We have heard learned counsels for the petitioners, Mr. Yogesh Pacholia, learned *Amicus Curiae*, who also appeared before the learned Single Judge, who made the reference, as well as Mr. J.S. Virk, learned Deputy Advocate General on behalf of the State.

9. "Civil Contempt" is defined in Section 2(b) of the Contempt of Courts Act, 1971 to mean "*wilful disobedience to any judgment, decree, direction, order, writ or other process of a Court or wilful breach of an undertaking given to a Court*".

10. A direction issued by this Court to the respondents before it, in any proceeding, to decide the representation of the petitioner before it in a time bound manner, is also a direction within the meaning of Section 2(b) of the Contempt of Courts Act, 1971. The consequence of wilful disobedience of such a direction is that it falls within the definition of Civil Contempt, which is punishable under Section 12 of the Contempt of Courts Act.

11. Article 215 of the Constitution of India vests inherent power in every High Court, it being a Court of record, to punish for contempt of itself.

12. There is complete unanimity between learned counsels that directions issued by the Court, while dealing with Writ Petitions under Article 226 of the Constitution of India, to decide the representation in a time bound manner, are directions, wilful breach whereof would be actionable under the Contempt of Courts Act.

13. We are also of the clear view that there is no doubt that breach of such directions would invite action

under the Contempt of Courts Act.

14. The reference is answered accordingly.

15. The Contempt Petitions are, accordingly, directed to be listed before the Court, as per roster, on 21.06.2023.

(Ravindra Maithani, J.) (Manoj K. Tiwari, J.) (Vipin Sanghi, C.J.)
14.06.2023 14.06.2023 14.06.2023

Rahul