

**State of Rajasthan Vs. Jaipur Development Authority and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/771207](http://sooperkanoon.com/771207)

**Court :** Rajasthan

**Decided On :** May-27-2008

**Reported in :** RLW2008(3)Raj2657

**Judge :** Shiv Kumar Sharma and; Mahesh Bhagwati, JJ.

**Appellant :** State of Rajasthan

**Respondent :** Jaipur Development Authority and ors.

**Disposition :** Petition dismissed

**Judgement :**

**Shiv Kumar Sharma, J.**

1. Heard.

2. Janardan Vyas, Member, Appellate Tribunal, Jaipur Development Authority Jaipur forwarded a letter dated September 13, 2007 for initiating criminal contempt proceedings against Jaipur Development Authority and its officers. In the letter, it was stated that order dated March 3, 2005 passed by the Tribunal was deliberately defied by the JDA and its officers. On that letter instant Criminal Contempt Petition was registered and alleged contemnors were directed to appear in person today.

3. Pursuant to the directions R.N. Meena, Secretary JDA,. Lalit K. Panwar and Jagdish Chandra (Ex. JDO appear in person.

4. Learned Counsel for the alleged contemnors placed for our perusal for our perusal a copy of the order dated March 10, 2008 passed in S.B. Civil Writ Petition No. 2125/2008 whereby the directions issued by the Tribunal vide order dated March 3, 2005 were stayed. In view of the stay order passed by the High Court contempt proceedings cannot proceed now and the same accordingly stand dismissed. The alleged contemnors present in person are discharged.

5. Before parting with, we Intend to observe that the Registry of the High Court is required to be well versed with the distinguishable features of Civil and Criminal Contempt. 'Criminal Contempt' as per Section 2 of the Contempt of Courts Act, 1971 (for short '1971 Act') means the publication (whether by words, spoken or written, or by sign, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which-

(i) scandalises or tends to scandalise, or lowers or tends to lower the authority of any court; or

(ii) prejudices, or interferes or tends to interfere with the due course of any judicial proceedings; or

(iii) interferes or tends to Interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner.

Since wilful disobedience of any judgment and decree or order comes within the purview of Civil Contempt, it was not proper on the part of Registry to register instant letter petition as Criminal Contempt.

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