

GAHC010083002023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Cont.Cas(C)/212/2023

KAMINI DEVI @ KAMINI
W/O- PUNIT SINGH, R/O- LAHORIJAN, NEAR IB BUNGLOW, P.O. AND P.S.
KHATKHATI, PIN- 782480, DIST.- KARBI ANGLONG, ASSAM

VERSUS

BHESH BAHADUR PURI
S/O- LATE CHABI LAL PURI, R/O- LAHORIJAN, NEAR IB BUNGLOW, P.O.
AND P.S. KHATKHATI, PIN- 782480, DIST.- KARBI ANGLONG, ASSAM

Advocate for the Petitioner : MR D KAMEI

Advocate for the Respondent : MR. T R GOGOI

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

04.08.2023

Heard Shri AR Rongmei, learned counsel for the petitioner. Also heard Ms. BM Chetri, learned counsel for the sole respondent. Shri TR Gogoi, learned State Counsel has also assisted the Court.

The present petition has been instituted alleging violation of order dated 10.03.2023 passed by this Court in IA(C)/621/2023 arising out of RSA/32/2023.

Shri Rongmei, learned counsel for the petitioner by drawing the attention of this Court to the aforesaid order dated 10.03.2023 has submitted that a direction was passed for maintaining *status quo* over the plot of land which was the subject matter of the litigation.

It is the case of the petitioner that the order of *status quo* has been violated and the old house was removed and there was construction of pucca RCC pillar on 14.03.2023. It has further been submitted that the Khatkhathi Police Station was approached whereafter also the construction was going on.

Ms. Chetri, learned counsel for the sole respondent has submitted that the allegation of violation is absolutely incorrect and she has also referred to the affidavit-in-opposition filed on 29.05.2023 where the respondent had categorically denied the allegation of any violation.

This Court while issuing notice, vide order dated 21.04.2023 had directed that for the interest of justice, a report be called from the Officer-in-Charge, Khatkhathi Police Station regarding the allegation of violation. In this connection, Shri Gogoi, learned State Counsel has submitted that in compliance with the said direction, a report has been furnished which was already reflected in the Court's order dated 20.06.2023.

After hearing the parties, this Court had noted that in the order dated 20.07.2023, this Court, after perusal of the report dated 20.06.2023 of the concerned Officer of the Khatkhathi Police Station had come to a *prima facie* finding that the allegations of contempt may not be substantiated. However, in the interest of justice, a copy of the report was directed to be furnished to the learned counsel for the petitioner to seek instructions.

Shri Ronmei, learned counsel for the petitioner, however, submits that the violation has been done even prior to making of the verification exercise.

The submissions made on behalf of the petitioner is, essentially a matter of fact. There is no challenge or dispute with the correctness of the report dated 20.06.2023

and the said report has been furnished pursuant to an order of this Court dated 21.04.2023. The said report categorically states that on the visit, no construction was found to be going on the disputed land. It is also stated in the said report that the parties were directed to maintain peace and not to create any law and order situation.

This Court exercising powers of contempt is required to act with due care and caution as the consequence of contempt is penal in nature. In the instant case, no such act is found to be contemptuous in view of the report dated 20.06.2023.

In that view of the matter, the contempt petition is closed.

JUDGE

Comparing Assistant