

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7990 of 2023

Applicant :- Deepak Prasad Chaudhary

Opposite Party :- Sarvesh Chandra Sinha, Executive Engineer

Counsel for Applicant :- Sudarshan Singh

Hon'ble Rohit Ranjan Agarwal,J.

Heard learned counsel for the applicant.

The writ Court on 26.05.2023 in Writ-C No. 16923 of 2023 passed the following order;

"1. Heard Shri Sudarshan Singh, learned counsel for the petitioner, Shri Rajiv Gupta, learned Additional Chief Standing Counsel for the State-respondents and Shri Vineet Kumar Singh, learned counsel for respondent No.6.

2. Despite order dated 19.05.2023, respondent Nos.2 and 5 have not filed counter affidavit by means of their personal affidavits.

3. Learned Additional Chief Standing Counsel prays for and is granted further three weeks and no more time to file counter affidavit. Thereafter petitioner shall have a week to file rejoinder affidavit.

4. List/put up on 5.07.2023 in the additional cause list at 2 P.M. along with connected writ petitions before the appropriate Bench.

5. As an interim measure, it is provided that no coercive action shall be taken against the petitioner till the next date fixed."

From perusal of the interim order granted by the writ Court it transpires that matter was posted for 05.07.2023 in the additional cause list and interim order was operational till then. From pleadings of the parties, it appears that interim order was not extended. The opposite party subsequently on 30.08.2023 had passed an order stopping the fisheries rights of the applicant.

In view of the said fact as the interim order was not operating on 30.08.2023 when the order was passed by the opposite party, no case for contempt is made out.

Contempt application is misconceived and dismissed, accordingly.

Order Date :- 1.11.2023

Shekhar