



2026:CGHC:26400

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BHILWAR

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HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 171 of 2024

Shankar Sharma S/o Shri Kailash Sharma Aged About 50 Years R/o
Krishna Nagar, Near Glorious School, P.S. Tikrapara, Raipur, District :
Raipur, Chhattisgarh

... Petitioner

versus

- 1 - Shri Dinesh Kosariya The Zone Commissioner, Zone No. 10,
Municipal Corporation Raipur, District : Raipur, Chhattisgarh
- 2 - Shri Gautam Chand Jain S/o Late Shri Vijay Lalji Jain Aged About 58
Years R/o C-290, Shailendra Nagar, Raipur, Teh And Distt. Raipur,
Chhattisgarh
- 3 - Shri Durgesh Ravate, S.H.O. P.S. Tikarapara, Raipur, District :
Raipur, Chhattisgarh
- 4 - Shri Neelmani Sahu Sub Inspector, P.S. Tikarapara, Raipur, District :
Raipur, Chhattisgarh

... Respondent

(Cause title is taken from Case Information System)

For Petitioner	: Mr. Rajesh Kumar Kesharwani, Advocate
For Respondent No.1	: Mr. Sourabh Sharma, Advocate
For Respondent No.2	: Ms. Akanksha Jain, Advocate

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

29/06/2026

1. The present contempt petition has been filed alleging defiance of the order dated 19.01.2024 passed by this Court in WPC No. 252 of 2024.
2. Learned counsel for the petitioner submits that despite the order dated 19.01.2024 passed in WPC No. 252 of 2024, whereby the Collector, Raipur was directed to consider the petitioner's application for allotment of land and the respondent authorities were restrained from taking any coercive action against the petitioner till such decision, the respondents/contemnors, in wilful and deliberate disobedience of the said order, demolished the petitioner's construction on 20.01.2024, where he was running a motor garage. He submits that the petitioner had informed the contemnors No. 1 & 2 about the order passed by this Court and requested them to await the certified copy, yet the respondents proceeded to demolish the structure, forcibly took possession of the land and constructed a permanent boundary wall thereon. It is, therefore, contended that the respondents have knowingly and deliberately violated the order passed by this Court.
3. *Per contra*, learned counsel appearing for the respondents No.1 & 2 submits that the order passed by this Court on 19.01.2024 was never communicated to the concerned authorities/ respondents No.1 & 2 prior to the demolition which took place on 19.01.2024. He submits that, in the absence of any knowledge of the order of

this Court, the respondents proceeded with the action in accordance with law and, therefore, no case of wilful or deliberate disobedience is made out against them.

4. I have heard learned counsel for the parties and perused the material available on record.
5. The grievance of the petitioner is that despite the order passed by this Court, the respondents No.1 & 2 demolished his construction on 20.01.2024. However, from the perusal of Annexure C-3 dated 19.01.2024, i.e., the application submitted by the petitioner to the Station House Officer, Tikrapara, Raipur on 20.01.2024, it appears that the petitioner communicated the order of this Court only to the police authorities and not to respondents No.1 and 2 and even they have not been apprised about the order dated 19.01.2024 and the petitioner is failed to produce any document in this regard. It further appears that the said communication was made on 20.01.2024 to the police authorities that too after the demolition had already taken place on 19.01.2024.
6. It is a settled principle that in order to constitute civil contempt, there must be a wilful and deliberate disobedience of the order of the Court. Mere violation of an order, in the absence of knowledge of the same or any material to establish intentional disobedience, would not attract the contempt jurisdiction of this Court. In the present case, no material has been brought on record to demonstrate that respondents No.1 and 2 had knowledge of the order dated 19.01.2024 before the demolition was carried out or that they intentionally acted in defiance thereof.

7. In view of the aforesaid facts and circumstances, this Court is of the considered opinion that the essential ingredients necessary to invoke the contempt jurisdiction are absent in the present case. Hence no case for contempt proceeding is made out against the respondents and the same is dropped.
8. Accordingly, the present contempt petition stands **dismissed**.
9. The Rule is discharged.

Sd/-
(BIBHU DATTA GURU)
Judge

\$. Bhilwar