

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 220 of 2014

Dharamnath Prasad Verma S/o Late Jagannath Prasad Verma Retired MPF & AS, Aged About 85 Years, R/o House No. MIF 213, Nutan Enclave, New Samriti Sweet, New Sarkanda, Bilaspur, Present Address- Dr. Akhilesh Verma, Doctors Colony, Sarswati Nagar, Near Pratap Talkies Chowk, Bilaspur, P.S. Civil Lines, Tah. And Distt. Bilaspur C.G.

---- Petitioner

Versus

1. Smt.Ritu Sen, Presently Posted as Collector, Ambikapur, Aged About 36 Years, Collectorate Campus, Ambikapur, P.S. Civil Lines, Ambikapur, Tah. And Distt. Ambikapur C.G.
2. N.S. Bhagat, Presently Posted as Sub-Divisional Officer, Ambikapur, Aged About 55 Years, R/o Sub-Divisional Office, Ambikapur, P.S. Civil Lines, Ambikapur, Tah. And Distt. Ambikapur C.G.
3. Pushpendra Sharma, Presently Posted As Tashildar, Ambikapur, Aged About 45 Years R/o Office Of Tahsildar, Ambikapur, P.S. Civil Lines, Ambikapur, Tah. And Distt. Ambikapur C.G.
4. Rahul Singh, Presently Posted As Patwari, Aged About 35 Years Tahsil-Ambikapur, R/o Office Of The Tahsildar, Ambikapur, P.S. Civil Lines, Ambikapur, Distt. Ambikapur C.G.

---- Respondents

For Petitioner	:	Shri S.C. Verma, Advocate
For Respondents	:	Shri S.P. Kale, Advocate

Order On Board

25/08/2015

Heard.

1. This contempt petition has been filed by the petitioner alleging willful disobedience of the order dated 10.9.2013 passed by this Court in Writ Petition No.469 of 2003.
2. Learned counsel for the petitioner submits that this Court, while deciding *lis* between the parties, clearly directed that if there are no records relating to cancellation, it shall be presumed that the petitioner is *bhumi-swami* of the land on the basis of the documents Annexures P-1, P-2, P-3 and P-4 filed in the writ petition and appropriate compensation/alternative plot shall be provided to the petitioner. However, it is argued, that the respondents authorities have proceeded to pass order on 13th May,

2014, holding that the lease of the petitioner was cancelled even though the records relating to issuance of notice, reply and actual order of cancellation is not on record. Learned counsel for the petitioner submits that the authority has proceeded to pass an order against the petitioner on the basis of certain entries made and photocopy, which do not constitute complete record relating to cancellation of *patta*. It, therefore, could not be conclusively said that *patta* was cancelled and, thus, relief ought to be granted to the petitioner as directed by the Court. In rejecting petitioner's claim, the respondents authority has acted in willful disobedience of the order.

3. After going through the reply and the order dated 13th May, 2014 passed by the authority, I find that the authority, in order to hold against the petitioner, has taken into consideration the record of khasra *panchshala* (original records of Village-Fundurdihari), wherein in respect of the land granted on lease to the petitioner, it has been recorded that the lease granted in favour of the petitioner was cancelled, giving reference to a revenue case.
4. True it is that the other part of the records relating to issuance of notice to the petitioner, petitioner's reply and the order by which the lease was cancelled are not available with the respondents, however, a record in the shape of public document is available with the respondents which contains an entry regarding cancellation of *patta*. Irrespective of petitioner's claim to get compensation, I am not inclined to hold that by passing such an order, the authority acted in willful disobedience of order of the Court. Therefore, the contempt is not made out.
5. The petition is accordingly dismissed, however, reserving liberty to the petitioner to take recourse to such remedy as may be available to him against order dated 13th May, 2014. Rule is discharged.

Sd/-
(Manindra Mohan Shrivastava)
Judge