

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 505 of 2013

1. Suresh Kumar Dagla S/o Late Shankar Lal Dagla Aged About 41 Years R/o Raigarh Road, Lailunga, Post, P.S. And Tah. Lailunga, Distt. Raigarh C.G.
2. Alok Kumar Dagla S/o Late Shankar Lal Dagla Aged About 33 Years R/o Raigarh Road, Lailunga, Post, P.S. And Tah. Lailunga, Distt. Raigarh C.G.
3. Smt. Pushpa Dagla alias Smt. Dhanni Devi W/o Late Shankar Lal Dagla Aged About 57 Years R/o Bajaj Colony, Sector-2, New Rajendra Nagar, Post- Ravi Gram, P.S. Mowa, Tah. And Distt. Raipur C.G.

---- Petitioners

Versus

1. Shri Neelkanth Tekam, Additional Collector, Bilaspur (C.G.)
2. Rajendra Gupta, S.D.M. (Revenue), Kota, Sub Division- Kota, Distt. Bilaspur C.G.
3. S.P. Banjare, Tahsildar, Takhatpur, Tah. Takhatpur, Distt. Bilaspur C.G.
4. P.K. Kori Additional Tahsildar, Presently Posted At Tahsil- Ratanpur, Distt. Bilaspur C.G.
5. A.K. Xalxo Additional Tahsildar, Presently Posted At Masturi, Tah. Masturi, Distt. Bilaspur C.G.
6. K.K. Pathak Patwari, Patwari Halka Circle- 26/45, Village- Sakri, Tah. Takhatpur, Distt. Bilaspur C.G.
7. Sharwan Gond S/o Purshottam Gond Aged About 82 Years R/o Uslapur, P.S. Chakarbhatha, Tah. Takhatpur, Distt. Bilaspur C.G.

---- Respondents

For Petitioners	:	Shri Sourabh Sharma, Advocate.
For Respondent No.2	:	Shri Sandeep Dwivedi, Advocate along with respondent No.2
For Respondent No.5	:	Shri Neeraj Choubey, Advocate along with respondent No.5.
For Respondent No.7	:	Shri Akash Gupta, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/12/2015

Heard.

1. The petitioners have filed this contempt petition alleging willful disobedience of order dated 31.01.2011 passed in the writ petition whereby this Court ordered that no coercive steps shall be taken against the petitioners on the basis of the impugned order.

2. Learned counsel for the petitioners submits that the purport, scope and import of the interim order passed by this Court on 31.01.2011 was that no proceedings should have been drawn by any authority including revenue authorities. He submits that though the basis for passing interim order was an immediate apprehension of cancellation of dealership licence, the order in its wider and true spirit prohibited even revenue authorities in drawing further proceeding of mutation etc. He submits that respondent No.7 has also moved an application under Section 250 of Land Revenue Code for dispossession of the petitioners only on the basis that petitioners' caste certificate has been cancelled. The Revenue Authorities have proceeded to correct the revenue records acting upon the order of cancellation of caste certificate fully within the notice and knowledge of the interim order passed by this Court. Thus, all attempts have been made to violate and overreach the orders of this Court.

3. On the other hand, learned counsel for the respondents submit that there was no intention much less an act of willful disobedience in drawing various revenue proceedings. It is submitted that according to the express intention of interim order dated 31.01.2011, the petitioners were granted protection against coercive steps in the light of statement made before the Court that upon cancellation of caste certificate, their dealership licence may be cancelled. The respondents have not taken any steps nor have recommended cancellation of dealership licence of the petitioners after passing of the interim order. It is submitted that the correction of revenue records in mutation proceedings, does not by

itself, without anything more, amounts to an act of willful disobedience.

4. The order passed by this Court on 31.01.2011 as it reads, was intended to protect the petitioners against apprehended serious coercive steps of cancellation of dealership licence.

5. This Court, in terms, did not stay any further revenue proceedings. What would be the coercive steps, understood contextually in the present circumstances has to be appreciated in the light of express terms of order dated 31.01.2011. This Court intended that the petitioners should not be subjected to any coercive steps in view of the statement that their dealership licence may be cancelled on account of cancellation of caste certificate.

6. The coercive nature of any action would arrive only when the petitioners are either divested of possession or the land in their possession or the same other action is taken against them. The revenue authorities have only corrected the records. It would have been better for the petitioners to seek further clarification or interim order in the matter.

7. I cannot hold the officers' guilty of willful disobedience in the above backdrop of the case.

8. Considering that the petitioners intend to move appropriate application before the writ Court, the officers who are present in the Court make statement before the Court that they will not proceed further in the matter for further period of one month.

9. Reserving the petitioners' liberty to apply for fresh interim order or for further clarification of order dated 31.01.2011, Rule is discharged.

10. With the aforesaid observations, the contempt petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E