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HIGH COURT OF CHHATTISGARH, BILASPUR**Contempt Case (C) No. 477 of 2015**

1. Bhajan Lal Gupta S/o Ram Prasad Gupta, Aged about 68 Years, R/o Banaras Chowk, Jawahar Market Ambikapur, Post, Tahsil & District Ambikapur (Chhattisgarh)
2. Rajiv Deshmukh S/o Late Shri K. T. Deshmukh, Aged about 55 Years, R/o behind Veterinary Hospital, Bauripara Ambikapur, Post, Tahsil & District Ambikapur (Chhattisgarh)
3. Umesh Chandra Singh S/o Shri S. B. Singh, Aged about 54 Years, Kshatriya Niwas, Ring Road Bauripara, Ambikapur, Post, Tahsil & District Ambikapur (Chhattisgarh)
4. Hemraj Bagde S/o Late Shri Nathuji Bagde, Aged about 62 Years R/o Trimurti Bhawan, Nagdaune Colony Vyapar Vihar Road, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)
5. Jagendra Singh Chandel S/o Late Shri Dalchand Chandel, Aged about 56 Years, A-18, Rawat Residency, Manendragarh Road Ambikapur, District Surguja (Chhattisgarh)
6. Bhagwan Das Vishwakarma S/o Shri Har Prasad Vishwakarma, Aged about 58 Years, R/o near B. E. O. Office, Bauripara Ambikapur, Post, Tahsil & District Ambikapur (Chhattisgarh)
7. Vishnu Kant Pandey S/o Late Shri Ramnarayan Pandey, Aged about 55 Years, R/o Quarter No. G-4, Irrigation Colony, Ring Road Ambikapur, District Surguja (Chhattisgarh)
8. Mohd. Shaikh Ali S/o Shri Jumman Khan, Aged about 56 Years, R/o Quarter No. H-3, Sinchai Colony Gandhi Nagar Banaras Road Ambikapur, District Surguja (Chhattisgarh)
9. Pankaj Kumar Vyas S/o Shri S. R. Vyas, Aged about 56 Years, R/o Rawat Residency, Manendragarh Road Ambikapur, District Surguja (Chhattisgarh)
10. Ramjee Pateriya S/o Shri Nanbulal Pateriya, Aged about 56 Years, R/o Near Collector Banglo, D. C. Road Ambikapur, District Surguja (Chhattisgarh)
11. Arun Kumar Tiwari S/o Ramanuj Prasad Tiwari, Aged about 53 Years R/o Rawat Residency, Manendragarh Road Ambikapur, District Surguja (Chhattisgarh)

---- Petitioners

Versus

1. Shri B. L. Tiwari, Principal Secretary, Water Resources Department, D. K. S. Bhavan, Mantralaya Raipur (Chhattisgarh)
2. Shri H. R. Kutare, Engineer - In - Chief, Water Resources Department, Sihawa Bhawan, Civil Lines Raipur (Chhattisgarh)
3. Shri Radheshyam Julaniya, Principal Secretary, Water Resources Department, Vallabh Bhawan, Bhopal (Madhya Pradesh)

---- Respondents

For Petitioners : Shri Devesh G. Kela, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

30/10/2015

The present contempt petition has been preferred for non compliance of the order dated 21.01.2015 passed by this Court in W.P.(S) No. 163/2015.

2. A perusal of the order dated 21.01.2015 itself reflects that the petitioners' right has already been adjudicated in their favour vide order dated 20.02.2006 passed in W.P. No.160 of 2002 which has attained finality from the Supreme Court also. Subsequently, a contempt petition was also filed for disobedience and violation of the order dated 20.02.2006 which got dismissed vide order dated 09.08.2012. That for the same relief the Writ Petition i.e. W.P.(S) No.163 of 2015 was filed. However, during the course of hearing, counsel for the petitioners sought for withdrawal of the writ petition with liberty to approach the respondents by making a fresh representation for pursuing their remedy. Accordingly, the said Writ Petition i.e. W.P. (S) No.163 of 2015 was dismissed with the aforesaid liberty on 21.01.2015.

3. Now, the present contempt case has been filed stating that the respondents have violated the said order dated 21.01.2015. When the writ petition has already been decided in favour of the petitioners in W.P. No.160 of 2002 and subsequently a contempt petition has also been dismissed arising from the said writ petition, this Court is of the opinion that the second contempt petition for enforcing the order passed in W.P. No. 160 of 2002 would not be maintainable only because this Court while dismissing the second writ petition i.e. W.P.(S) No.163 of 2015 as withdrawn had given liberty to the petitioner to approach the respondents

by making a fresh representation. This would not give them a fresh cause of action for agitating by way of contempt petition in respect of enforcement of the order passed in W.P. No.160 of 2002 which was decided on 20.2.2006 the contempt petition against which has already stood dismissed on 09.08.2012.

4. For the aforesaid reasons, the present contempt case being not maintainable, the same is rejected.

Sd/-
(P. Sam Koshy)
JUDGE