

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 265 of 2016**

1. Chandrabhabha Kedia W/o Shri Rajendra Kumar Kedia, Aged About 50 Years R/o C-3 Shri Ram Nagar, T.V. Tower Road, Raipur, District- Raipur, Chhattisgarh
2. Smt. Rekha Agrawal W/o Shri Rajesh Agrawal, Aged About 48 Years R/o House No. 29/R-13, Anupam Nagar, Raipur, District- Raipur, Chhattisgarh

---- Petitioners**Versus**

1. Anil Rai, Secretary, Public Works Department, Government Of Chhattisgarh, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh
2. D.K. Pradhan, Engineer-In-Chief, Public Works Department, Government Of Chhattisgarh, Raipur, Chhattisgarh
3. O.P. Choudhary, Collector, District- Raipur, Chhattisgarh
4. S.K. Kori, Chief Engineer, Bridge Construction Division, Public Works Department, Raipur, Chhattisgarh(Contemnors)

---- Respondents

For Petitioners	:	Mr. Kishore Bhaduri and Mr. Anmol Sharma, Advocates
For State	:	Mr. Bhaskar Payashi, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****24/06/2016**

Heard on admission.

1. The contempt petition has been filed by the petitioners alleging willful disobedience of order dated 07.07.2014 passed in WP(C) No.1218 of 2014 and WP(C) No.1219 of 2014.
2. Learned counsel for the petitioners submits that earlier the petitioners, apprehending dispossession without proper acquisition, filed a petition. The petition was disposed off with the direction that if the respondent authorities require

petitioners' land/ building for the purposes of construction of ROB, it will be open for the respondent authorities to offer compensation or in the absence of any agreement, by proper acquisition, applicable and in force.

3. Learned counsel for the petitioners argued that though later on, acquisition proceedings were drawn, award has also been passed but the compensation amount has not been paid till date. Therefore, this is an act of willful disobedience.

4. This Court, at an earlier stage, has only protected the petitioners against illegal dispossession by observing that if the respondent authorities require the land of the petitioners for public purposes, it could be taken only by appropriate acquisition proceeding or by offering compensation.

5. On petitioners' own showing, land acquisition proceeding were drawn and award has been passed. If there is subsequent grievance of delay in payment of compensation, it cannot be said to be an act of willful disobedience.

6. Therefore, no contempt is made out and the contempt petition is dismissed however with liberty to the petitioners to raise grievance of non-payment of compensation in appropriately constituted proceeding.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E