

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****CONT No. 577 of 2015**

- Krishna Nand Singh S/o Shri Rajendra Bahadur Singh, Aged About 36 Years Occupation Colonizer, R/o Kedarpur, Ambikapur, P. S. & Tahsil Ambikapur, District Surguja (Chhattisgarh)

---- **Petitioner**  
**Applicant**

**Versus**

- Alok Dubey S/o Late T. N. Dubey Aged About 50 Years Occupation Ex-Councillor, Municipal Corporation Ambikapur, R/o Shivayan Villa, Pratappur Naka, P. S. Gandhinagar, Ambikapur, District Surguja (Chhattisgarh)

---- **Respondent**  
**Contemnor**

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For Petitioner : Shri S.C. Verma, Advocate.

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**Hon'ble Shri Justice Prashant Kumar Mishra**

**C A V Order**

**Passed on** : 09/02/2016

1. This petition under Article 215 of the Constitution of India read with Section 10 & 12 of the Contempt of Courts Act, 1971 arises out of order dated 19.11.2015 in WPC No.1767/2015.
2. The respondent had preferred the above stated writ petition seeking direction to the Commissioner, Municipal Corporation, Ambikapur to comply with the order passed by the State Government on 4.7.2012 and to demolish the illegal construction raised by the petitioner on different plots situated at Bandabehra, Ambikapur, as mentioned in para-10.3 of

the writ petition.

3. By order dated 4.7.2012, the State Government directed the Commissioner, Municipal Corporation, Ambikapur to proceed in accordance with the provisions contained in the Municipal Corporation Act, 1956 for removing the illegal construction raised by the petitioner after 7.8.2008 because the sanction was operative only till 7.8.2008.
4. The Writ Petition was disposed of on 19.11.2015 in the following terms:-

“(2) Learned counsel for the petitioner would submit that respondent No.6 Krishna Nand Singh, Builder/ Colonizer has constructed a building/colony in contravention of the relevant provisions of Municipal Corporation Act and the Town and Country Planning Act. He would submit that despite there being an adverse report against respondent No.6, the concerned authorities are not taking any action. He draws attention of this Court towards the orders passed in W.P.(C) No.5101 of 2008 and W.P.(C) No.1048 of 2012, wherein, this Court has refused to interfere and pass an order in favour of respondent No.6. It is further submitted that an enquiry report was also submitted against respondent No.6 yet no action is taken and the petitioner's representation has fallen in deaf ears.

(3) Considering the entire facts' situation of the case and particularly for the reason that the State Government has already issued a communication to the Commissioner, Municipal Corporation, Ambikapur on 04.07.2012 (Annexure P/1) for taking action for demolition of the illegal construction raised by respondent No.6, the writ petition is disposed of with a direction to respondent No.4, the Collector, Ambikapur, to take necessary action in the matter and duly instruct respondent No.5 the Commissioner, Municipal Corporation, Ambikapur to follow and execute the order passed by the State Government vide Annexure P/1.”

5. It is argued by learned counsel for the petitioner that the respondent did

not disclose true facts before this Court and has rather concealed the material information, therefore, he is guilty of committing contempt of lawful authority of this Court.

6. A reading of the averments made in the contempt petition would clearly demonstrate that the order passed by the State Government on 4.7.2012 is operative and neither the order was cancelled or withdrawn by the State Government nor the petitioner has assailed the said order in any proceeding. The only averment made in para-11 of the contempt petition is that the petitioner was never communicated the State Government's order dated 4.7.2012. However, there is no averment that the order is not in existence, yet the respondent prayed for a direction based on the order dated 4.7.2012.
7. In the order passed by this Court on 19.11.2015, after mentioning the submissions made by learned counsel for the petitioner, this Court has only directed for compliance of the order passed by the State Government on 4.7.2012. As long as the order passed by the State Government on 4.7.2012 stands, the respondent cannot be said to be guilty of misleading the Court or committing contempt of lawful authority of this Court.
8. For the foregoing, this Court does not find any substance in this contempt petition, the same deserves to be and is hereby dismissed.

Sd/-  
**Judge**  
(Prashant Kumar Mishra)