

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 307 of 2016

Smt. Uma Bai W/o Manmohan Sahu, Aged About 50 Years R/o Village Gariyabandh, Tahsil And District Gariyabandh, Chhattisgarh, Civil And Revenue District Gariyabandh.....(Appellant)

---- Applicant

Versus

1. Smt. Shruti Singh Collector, District Gariyabandh.
2. Shiv Dayal Sahu, Advocate, Additional Government Pleader, Gariyabandh, District Gariyabandh.....(Contemnors)

---- Respondents

For Applicant : Ms. Tuhina Pandey, Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/07/2016

Heard on admission.

This contempt petition has been filed by the applicant alleging willful disobedience of interim order passed by this Court on 18.03.2016.

2. Learned counsel for the applicant submits that the very act of respondent No.2 in rendering opinion that there is no stay is highly contemptuous and disregard to the order of the Court.

3. I am afraid, the submissions made and the pleadings in the petition do not prima facie constitute disobedience of the Court's order, much less, willful act of any disobedience.

4. This Court had only passed an interim order that the respondents in the appeal shall not alienate the property. There is no material on

record to show that the parties to the case have alienated the property or done any concrete act so as to constitute an act of willful disobedience.

5. This Court fails to understand why the Collector of the concerned district has been impleaded in the proceeding. There is nothing to show that respondent No.1 has any role to play in the matter except directing engagement of a counsel for filing reply before the Court.

6. The allegation against respondent No.2 is that he has given an advice which is in disregard to the order of the Court. There is nothing in the opinion given by respondent No.2 to show that he has opined against the spirit of the order passed by this Court.

7. The contempt petition is frivolous and misconceived in law and is therefore dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge