

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 308 of 2016

1. Rajesh Naidu S/o Shri M. S. Naidu, Aged About 48 Years R/o Maharani Ward, Jagdalpur, District Bastar, Chhattisgarh
2. Om Prakash Rao S/o Late K. Samulu, Aged About 35 Years R/o Chitrakote Road, Dalpat Sagar Ward, Jagdalpur, District Bastar, Chhattisgarh
3. Vijay Shankar Nag, S/o Late Haddi Ram Nag, Aged About 41 Years R/o Chitrakote Road, Dalpat Sagar Ward, Jagdalpur, District Bastar, Chhattisgarh

---- **Petitioners**

Versus

Siddharth Komal Singh Pardesi Aged About 45 Years The Director, Directorate Of Town & Country Planning, Head Office At Indiravati Bhawan, Block No. 4, 3rd Floor, Naya Raipur, District Raipur, Chhattisgarh.....(Contemnor)

---- **Respondent**

For Petitioners	:	Shri Anand Dadariya, Advocate
For Respondent-State	:	Shri Chandresh Shrivastava, Panel Lawyer

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

Order On Board

04/10/2016

Heard on admission.

1. This contempt petition has been filed by the petitioners alleging willful disobedience of order dated 23.09.2015 passed in WP(C) No.830 of 2015.
2. Learned counsel for the petitioners contended that in view of the statement made by the State Government at the bar that the representation of the petitioners for modification of development plan would be considered and decided in accordance with the statutory

scheme of Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (for short 'the Act of 1973'), on the face of representation made to the Director of Town & Country Planning, this Court was pleased to direct the Director of Town & Country Planning to decide the matter. However, the Director did not decide the matter, himself, but has prepared a proposal and only forwarded the matter for consideration of the State Government without taking any decision by itself. According to learned counsel for the petitioners, under Section 23 of the Act of 1973, the Director, himself, ought to have taken decision instead of sending the matter to the State Government.

3. On the other hand, learned counsel for the State submits that there was no intention to flout the order. In the bonafide understanding of the respondent, the language of the provision contained in Section 23 of the Act of 1973 empowers the Director only to propose the matter. Therefore, with all intention to carry out order of the Court, the matter has been sent to the State Government.
4. After hearing learned counsel for the parties, irrespective of the merits as to whether under the law, the Director, himself, can pass the order without seeking any approval and the word 'propose' by itself, without anything more, authorises the Director to pass the order without seeking any kind of direction from the State Government, I do not think that it is an act of contempt in the eye of law. This Court did not decide the issue but passed an order for consideration.
5. Having considered that the matter has been sent to the State Government, I am not inclined to initiate any contempt proceeding. The petitioner would be at liberty to seek appropriate declaration from the Court in the matter of modification of development plan.
6. With the aforesaid observations, the petition is disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge