

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Contempt Case (C) No. 9 of 2016**

Madhubhan Grih Nirman Cooperative Society, a society registered under the provisions of the Chhattisgarh Cooperative Societies Act, 1960 having its registration No.127, registered office at Near Good Luck Plastic Factory, Santoshi Nagar, Tikra Para, Raipur (C.G.), through its Manager, Bhushan Khandekar, S/o Suresh Khandekar, aged about 29 years, R/o Avanti Vihar, Raipur, Tahsil & District Raipur (C.G.)

---- Petitioner**Versus**

1. S.K. Rathore, Zone Commissioner, Zone No.3, Municipal Corporaton- Raipur (C.G.)
2. Harender Sahu, Superintendent Engineer, Municipal Corporaton, Raipur (C.G.)
3. Yogesh Kadu, Sub-Engineer, Municipal Corporation- Raipur (C.G.)
4. L.K. Sharma, Senior Co-operative Inspector, Raipur (C.G.)

.....Contemnors**---- Respondents**

For Petitioner : Mr. Malay Shrivastava, Advocate.
 For Respondents No. 1 to 3 : Mr. Pankaj Agrawal, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****01/09/2016**

(1) Alleging that the respondents have not complied with the orders and directions issued by this court in W.P.(C) No. 1394/2014 dated 23.07.2014, the petitioner is before this court in this contempt petition.

(2) Operative portion of the order complained of dated 23.07.2014 reads as under:-

“Taking into consideration the aforesaid statement, this petition, at this stage, can be disposed off with the direction that respondent shall carry out demarcation after giving a notice of date, time and place and thereafter, it would be open for the Corporation to take appropriate action under the law depending upon the report of demarcation.

It goes without saying that no action would be taken against the petitioner pursuant to the impugned order unless in the fresh demarcation report any encroachment is disclosed.

Accordingly, the petition is disposed of.”

(2) Return has been filed on behalf of respondents No. 1 to 3 and in paragraph 2 of the return a categorical statement has been made by the respondents No. 1 to 3, which reads as under:-

“2. It is further submitted that there are two gates situated in Madhuban Grih Nirman Society and the gate for which order was passed by this Hon'ble Court has not been demolished till date and Tahsildar Raipur in compliance of order dated 23.07.2014 passed an order on 19.12.2014 by constituting committee for demarcation report, which is still pending, copy of letter dated 16.01.2016 written by Zone Commissioner, Zone No. 3 to Sub Divisional Officer (Revenue), Raipur is being filed herewith as Annexure R-8, therefore no contempt has been committed by the answering respondent and the contempt petition is liable to be dismissed.”

(3) This affidavit was filed on 29.02.2016 but no rejoinder affidavit has been filed and, therefore, this Court has no other option except to accept the statement of respondents No. 1 to 3.

(4) In view of the affidavit filed by the respondents No. 1 to 3, the contempt petition is closed. Rule issued is discharged.

Sd/-

(Sanjay K. Agrawal)
Judge

