

Application No.7087 of 2015 in
C.S.No.477 of 2014

K.RAVICHANDRABAABU, J.

This application is filed seeking to punish the respondents for their willful disobedience of the order passed by this Court on 06.10.2015 in O.A.No.586 of 2014. In the said order, this Court directed the applicants to make an application to the first respondent/ first defendant seeking permission to conduct pooja during Durga Festival and if any such application is filed, further directed the first respondent to consider the same and pass suitable order permitting the applicant / plaintiff to conduct such pooja on payment of electricity and other charges. It was also made clear in the said order that the same was passed only as a temporary arrangement and shall not be construed as a permanent arrangement between the parties, as the rights of the parties have to be finally decided in the main suit on merits and in accordance with law.

2.Now, it is contended by the learned counsel for the applicants that in spite of giving an application dated 07.10.2015 seeking permission to celebrate Durga Pooja at the Rajendra Babu Bhavan followed by Lawyer's notice dated 08.10.2015, the respondents have not given permission to conduct the festival for all days of the said festival, in compliance of the order passed by this Court, as stated supra.

3. Heard the learned counsel for the applicants and the learned counsel for the respondents and perused the materials placed before this Court.

4. This application is filed seeking to punish the respondents as though they have not followed the order passed by this Court on 06.10.2015 in O.A.No.586 of 2014. It is an admitted fact that pursuant to the order passed by this Court, the applicants have made an application seeking permission to conduct Durga Pooja. It is also an admitted fact that the respondents have permitted the applicants to conduct Durga Pooja in the ground floor of the Trust premises from 19.10.2015. The grievance of the applicants is that they have not been permitted to conduct the Durga Pooja for all days, by allowing them to utilise the premises, on all those days.

5. A perusal of the communication sent by the respondents on 08.10.2015 would show that the first floor was occupied by poor patients from Bihar and other parts of the country numbering more than 100 and therefore they were not in a position to allot the first floor to the applicants for conducting the Durga Pooja. They also expressed their difficulty in offering canteen facility to the applicants as the service from the canteen was being utilised for the inmates numbering 125 at that time. When such being the actual state of affairs, I do not think that there is any violation or disobedience of the

order passed by this Court, as contended by the applicants warranting punishment on the respondents. It is also contended by the learned counsel for the applicants that unless permission is given for 10 days, there is no use in allowing the applicants to conduct the festival only from 19th onwards. I do not think that the said contention of the applicants could be entertained at this stage, more particularly when the rights of the parties are to be agitated finally only in the suit. Further the order passed by this Court is very clear as it has only directed the respondents to consider the application and pass "suitable order" permitting the applicants to conduct such pooja on payment of charges. Therefore, when the respondents have permitted the applicants according to the suitability of the utilisation of the premises, I do not think that the applicants are justified in making the present complaint.

6. Needless to say that the parties have to agitate the matter and establish their case by subjecting themselves to the trial of the suit. Hence, the applicants herein are not entitled to contend as though the order passed by this Court has been violated, when this Court finds no such violation. Accordingly, this application is dismissed.

KM

14.11.2016

Note to the Registry: Issue order copy on 16.11.2016.

K.RAVICHANDRABAABU, J.

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