

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Contempt Case (Civil) No. 419 of 2017**

M/s Unique Enterprises Telibandha, District Raipur Through Its Partner Anurag Sahu,
S/o Shri R. C. Sahu, Aged About 28 Years, Resident Of Quarter No.13, Green
Paradise, Vishal Nagar, Telibandha, District Raipur (Chhattisgarh)

---- Petitioner**Versus**

B.P.Chandrakar Executive Engineer, Rural Engineering Service, Basna, Mahasamund,
District Mahasamund (Chhattisgarh)

---- Respondent

For Petitioner : Shri Vineet Kumar Pandey, Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, Judge.

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****02/08/2017**

1. This contempt of Court case is instituted as if a case for violation of Annexures C/3 and C/4 orders is made out.
2. The Petitioner filed Writ Petition (C) No.1632 of 2017 challenging the issuance of a fresh NIT for re-arrangement of a work after cancelling the work awarded to the Petitioner. Annexure C/3 order was issued directing that the site of the works shall not be handed over to any other person and no person other than the Petitioner shall carry out any work in the site. The attempt was to ensure that the work done by the Petitioner is measured. This is clear from the order dated 12.7.2017. On 18.7.2017, Annexure C/4 order was issued recording the submission of the learned counsel for the Petitioner that he would be present for measurement at the site on 1.8.2017. This writ petition is now be listed on 9.8.2017. This contempt

of Court case was instituted on 29.7.2017, apparently trying to twist the contents of Annexures C/3 and C/4 and projecting them as if Annexure C/3 gives right to the Petitioner to continue to execute the work. This is totally misplaced and, in fact, an attempt to deflect the course of justice. The object sought to be achieved through Annexures C/3 and C/4 orders would reach its logical end through further orders that may be issued in Writ Petition (C) No.1632 of 2017.

3. Therefore, notwithstanding the fact that no case of contempt of Court is made out, we are inclined to think that this is an abundantly a fit case where it can be specifically expressed that this contempt of Court case is an abuse of the process of the Court, if needed be visited with an order for payment of exemplary costs to the State exchequer. However, we are dissuade ourselves from making any such imposition.
4. In the result, this contempt petition is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE