

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 245 of 2017

1. Vikas Kumar Gupta S/o Late Saryu Prasad Gupta, Aged About 33 Years
R/o Village Bhanwarmal, P.S. & Tahsil Ramanujganj, District Balrampur-
Ramanujganj, Chhattisgarh
2. Vinay Kumar Gupta S/o Late Saryu Prasad Gupta, Aged About 31 Years
R/o Village Bhanwarmal, P.S. & Tahsil Ramanujganj, District Balrampur-
Ramanujganj, Chhattisgarh

---- Petitioners

Versus

1. Amrit Vikas Topno Sub Divisional Officer (Revenue) Ramanujganj, District
Balrampur-Ramanujganj, Chhattisgarh
2. Yuvraj Kurrey, Tahsildar, Ramanujganj, District Balrampur-Ramanujganj,
Chhattisgarh
3. Bajrang Gupta, Secretary, Gram Panchayat, Bhanwarmal, Tahsil
Ramanujganj, District Balrampur-Ramanujganj, Chhattisgarh
(Contemnors)

---- Respondents

For Petitioners	:	Shri A. K. Prasad, Advocate
For Respondent No.1	:	Shri Sudeep Verma, Advocate
For Respondent No.3	:	Shri Satish Gupta, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/08/2017

Heard.

2. Notice was issued to only respondent No.3. Reply on affidavit has been filed by the respondent No.3, to which, rejoinder has already been filed.

3. After going through the records, I find that that as against the petitioner's allegation that after the interim order was passed on 24-04-2017, construction was not stopped, reply on affidavit is filed, in which, it is stated that the copy of

the order was received by the respondent No.3 by registered post on 29-05-2017, but before that, information was given to him by the Sub Divisional Officer on 04-05-2017. According to the respondents, soon thereafter, the construction was stopped.

4. Learned counsel for the petitioner joins issue on the aspect that the petitioner served copy of order to respondent No.3 on 03-05-2017, but he denied to receive the same and stated that he will accept the authenticity of that order, only when he gets instruction from the higher authorities.

5. Considering the overall circumstances of the case, it appears that the respondent No.3 did not believe the information given by the petitioner, until he was instructed by higher authorities. It was the duty of the respondent No.3 to verify the authenticity of the information submitted by the petitioner and ought to have acted upon in compliance of the said order, but the construction work was carried on till 13-05-2017.

6. Having considered the aforesaid circumstances, I find that the respondent No.3 has been rather callous and negligent in complying with the order of the Court and unnecessarily waited for instructions from higher authorities and construction was going on till 13-05-2017.

7. Accordingly, this petition is finally disposed off. Respondent No.3-Secretary is warned to be careful in future in the matter of compliance of the order of the Court. A copy of this order may be sent to the Collector, Ramanujganj.

SD/-
(**Manindra Mohan Shrivastava**)
Judge