

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Reserved on 7-2-2018****Pronounced on 13-2-2018****CONT No. 69 of 2018**

Nandram Navrang S/o Late Parasram Aged About 54 Years R/o
Navapara Bhondu, Tehsil Lormi, District Mungeli (CG)

---- Petitioner**Versus**

1. N. N. Ekka, Collector Mungeli, District Mungeli (Chhattisgarh),
2. C.S.Pakra S.D.M. Mungeli, District Mungeli (Chhattisgarh)
3. Mukesh Dewangan Tahsildar, District Mungeli (Chhattisgarh)
4. Sanjay Kumar Ratre Nayab Tehsildar, Lormi, Mungeli, District Mungeli (Chhattisgarh)

---- Respondents

For petitioner	:	Shri S. P. Sahu, Adv.
For respondents	:	None

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

C.A.V. ORDER**Per Sharad Kumar Gupta, Judge**

1. This is a contempt petition filed by the petitioner under Article 215 of the Constitution of India read with Section 12 of the Contempt of Courts Act, 1971 against the non-applicants.
2. In brief, petitioner's case is that in WP (PIL) No. 20/2017, this Court had passed an order on 3-7-2017 vide Annexure P-1. Instead of complying with the order Annexure P-1 in true sense, the non-applicants are doing only formalities and yet now the illegal constructions have not been removed from the government land of district Mungeli. In some cases, non-applicant No. 4 has passed some orders of eviction against some persons imposing fine upon them but no action has been taken for recovery of possession. These circumstances show that the non-applicants are flouting the order Annexure P-1 deliberately.

3. It would be pertinent to mention para 5 of the Annexure P-1 which is extracted below:-

“5. For the aforesaid reasons, this writ petition is ordered directing that in the wake of affidavit filed by the Collector, Mungeli District the said officer will ensure that due action follows in accordance with the applicable laws. As regards all illegal and unauthorized occupations of government land in Mungeli District, by whomsoever it may be, official respondents 2 to 4 will do the needful to ensure that such action follows at the earliest and concludes in accordance with law within an outer limits of 8 weeks from the receipt of copy of this order. We clarify that the direction contained herein is without prejudice to any appellate or revisional remedy that may be available to any party in relation to any such proceedings.”

4. It would be pertinent to mention the definition of “civil contempt” provided in Section 2(b) of the Contempt of Courts Act, 1971 which is extracted below:-

2. Definitions. -

(a) xxx xxx xxx

(b) “civil contempt” means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court;”

5. It is noteworthy that in aforesaid WP (PIL), the petitioner was Shamkarlal Agrawal who is not party to the present contempt petition. The petitioner herein Nandram Navrang was not petitioner in the said WP (PIL).
6. It is very clear from Annexure P-4 that the respondent No. 4 has passed some orders of eviction against some persons imposing

fine upon them. Representation of the petitioner vide Annexure P-3 dated 8-12-2007 shows that for compliance of the aforesaid order of this Court, the non-applicant No. 1 had passed the order on 18-7-2017 for eviction.

7. Prima facie the petitioner fails to point out any particular case wherein any person is in unauthorized possession of government land in District Mungeli and the non-applicants are not taking action deliberately against him in accordance with the applicable laws.
8. Looking to the above-mentioned facts and circumstances of the case and the material placed on record, this Court finds that the petitioner has prima facie failed to show that the non-applicants have willfully disobeyed the order Annexure P-1.
9. Considering the entire facts and circumstances of the case and material on record, we find that this contempt petition being devoid of merit deserves to be dismissed. It is accordingly hereby dismissed.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge