

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 752 of 2017**

- Shilwanti Devi D/o Shri Devpat, Aged About 38 Years R/o Balrampur P.S. And Tahsil Balrampur, District Balrampur-Ramanujganj, Chhattisgarh

---- Petitioner

Versus

1. S. K. Yadav, Tahsildar Balrampur District Balrampur-Ramanujganj, Chhattisgarh
2. S. K. Prajapati, Senior Engineer Electricity Department Balrampur District Balrampur-Ramanujganj, Chhattisgarh
3. S. E. Tirki, Junior Engineer Electricity Department Balrampur, District Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Petitioner : Shri A.N. Pandey, Advocate.
For Respondent No. 1 : Shri Anup Majumdar, Advocate.
For Respondents 2 & 3 : Shri Varun Sharma, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

20/08/2018 :

1. The present contempt petition has been preferred raising a grievance that the interim order passed on 8.12.2016 in WPC No.3034/2016 has not been complied with inasmuch as despite the said order restraining the respondents not to raise any construction over the land belonging to the petitioner, the concerned respondents continued the construction on the petitioner's land.
2. Learned counsel for the contemnors would submit that since after

the receipt of notice of the contempt petition and having realized that construction may be in violation of the interim order, the respondents have removed construction and have thus purged the contempt.

3. Shri AN Pandey, learned counsel for the petitioner would submit that the entire construction made after the interim order on 8.12.2016 has not been pulled down, therefore, contempt still continues. However, he would agree that substantial part of the subject construction has been removed.
4. Considering the entire fact situation of the case and having found that substantial compliance of the interim order passed by this Court has already been made, the Contempt Petition is disposed of with liberty that at the time of hearing of the writ petition, the petitioner may bring it to the notice of the writ Court that the entire illegal construction has not been removed. If the petitioner succeeds in the writ petition, he would also be at liberty to pray that part of the illegal construction over his land should be removed. In such eventuality, the prayer shall be decided in accordance with law and neither of the parties shall be entitled to claim equity for the reason that construction has been made during the pendency of the writ petition.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve