

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MA No. 81 of 2017**

1. Mohanlal Dhangar S/o Late Sukhram, Aged About 76 Years R/o Nandi Chowk, Near Hatri Bazar, Tikrapara, Raipur, Chhattisgarh 492001.

---- Appellant**Versus**

1. Raipur Development Authority Through its Chief Executive Officer, Second Floor, Bhakt Mata Karma Commercial Complex, New Rajendra Nagar, Raipur, Chhattisgarh.

---- Respondent

For Appellant
For Respondent

Shri Amrito Das, Advocate
Shri Sumesh Bajaj, Advocate

Hon'ble Shri Justice Ajay Kumar Tripathi, CJ
Hon'ble Shri Justice Prashant Kumar Mishra

Order on Board**Per Ajay Kumar Tripathi, CJ.****03/08/2018**

1. Since the Division Bench while taking note of the dispute in its order dated 21-11-2017 did not restrain the Chief Judicial Magistrate, Raipur, from proceeding further in the matter for fact finding and there was an order of restraint that no immediate action will be taken after the finding is rendered by the CJM, Raipur for a period of two weeks pending hearing of the matter, enough safeguard was provided to the appellant.
2. However, since finding of fact is an integral tool whether the contempt proceeding would proceed any further or is required to

be dropped. Court is informed that the report of the CJM, Raipur, has been received on or about 21-11-2017, but nothing further has been done keeping in mind the order of the Division Bench. We are of the opinion that any further action or follow up in relation to the direction issued by the learned Single Judge dated 26-7-2017, which is subject matter in appeal, would be required to be taken depending upon the findings of the CJM.

3. Accordingly, this Misc. Appeal is disposed off with an observation that the learned Single Judge will now open the report of the CJM, Raipur and depending on the outcome of the said report, a copy of which will be given to the counsel for the appellant and after an opportunity of hearing, appropriate decision may be taken.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri