

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Contempt Case (C) No. 974 of 2018**

Santosh Kumar Patnayak S/o Bhawan Shankar Patnayak, aged about 55 years, R/o Sarangarh, Tahsil Gharghoda, District Raigarh, Chhattisgarh

---- Petitioner**Versus**

Abhishek Kumar Gupta, Sub Divisional Officer (Revenue Department), Gharghoda, Raigarh, District Raigarh (CG)

---- Respondents

For Petitioner : Shri Varun Sharma, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order On Board

11.09.2018

The present contempt petition has been filed alleging the willful non-compliance of the order Annexure C-1 dated 23.03.2018 passed by this Court in WPS No. 2548 of 2018.

2. The direction in the writ petition was for respondent no.3 to take a decision in the case of the petitioner under Fundamental Rule 54.
3. Perusal of the record would show that the respondents have now vide order Annexure C-3 dated 19.06.2018 have decided the claim of the petitioner.
4. Counsel for the petitioner submits that the order has been passed without taking into consideration the observations of this Court and as such contempt is made out.

5. This Court is not inclined to accept the said contention of the petitioner for the reason that the direction was to decide the claim of the petitioner in the light of the provisions of the Fundamental Rules. The respondents have rightly or wrongly decided the same. If the petitioner is still aggrieved of the same or finds that certain observation in the said order is bad, the only option left for the petitioner is to assail the order by way of a separate writ petition.

6. Thus, reserving the right of the petitioner to assail the said order by a separate writ petition, the present contempt petition fails and is accordingly dismissed.

**Sd/-
P. Sam Koshy
Judge**