

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Contempt Case (C) No. 159 of 2019**

1. Rakesh Sahu S/o Shri Bhagirathi Sahu Aged About 40 Years R/o Dhaurabhatha Mohalla (Mahatma Gandhi Ward) Ward No. 15, Nagar Panchayat Kota, Police Station and Tahsil Kota, District Bilaspur, Chhattisgarh.
2. Nepal Binjwar S/o Late Shri Sunwa Binjwar Aged About 35 Years R/o Dhaurabhatha Mohalla (Mahatma Gandhi Ward) Ward No. 15, Nagar Panchayat Kota, Police Station And Tahsil Kota, District Bilaspur, Chhattisgarh.
3. Smt. Sauni Palke Wd/o Late Shri Visheshar Palke Aged About 60 Years R/o Dhaurabhatha Mohalla (Mahatma Gandhi Ward) Ward No. 15, Nagar Panchayat Kota, Police Station And Tahsil Kota, District Bilaspur, Chhattisgarh.
4. Jageshwar Yadav S/o Late Shri Chhedilal Yadav Aged About 43 Years R/o Dhaurabhatha Mohalla (Mahatma Gandhi Ward) Ward No. 14, Nagar Panchayat Kota, Police Station And Tahsil Kota, District Bilaspur, Chhattisgarh.

---- Applicants**Versus**

1. Dr. Sanjay Kumar Alang Collector, District Bilaspur, Chhattisgarh.
2. Kirti Ram Rathore, Sub Divisional Officer, Revenue Kota, District Bilaspur, Chhattisgarh.

---- Respondents

For Applicants	:	Shri S.P. Kale and Shri K.P.S. Gandhi, Advocates.
For Respondent No.2	:	Shri Anand Mohan Tiwari, Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order on Board****Per Manindra Mohan Shrivastava, Judge****16.05.2019**

1. Heard the contempt petition.
2. By this contempt petition, the Petitioner has alleged willful disobedience of the order dated 19.07.2018 passed by this Court in the Public Interest Litigation filed by the Petitioner wherein, this Court disposed off the petition with a direction upon the Collector as well as Sub Divisional Officer (Revenue), Kota, District Bilaspur to look into the grievance raised by the Petitioner and act in

accordance with law within a period of three months from the date of production and communication of the order.

After the order was passed by this Court, as stated by the Petitioner in the contempt petition, the Respondent authorities were requested to act in accordance with the directions issued by this Court and representation to that effect was also submitted alongwith the copy of orders dated 22.08.2018 and 28.08.2018. It is the case of the Petitioner that till date, the proceedings towards redressal of the grievance ventilated before this Court though initiated, have not been completed and the proceedings have remained pending without any logical conclusion one way or the other, in the matter of removal of encroachment as also providing proper drainage, beautification of village etc.

3. On the other hand, learned counsel for Respondent No.2, referring to the pleadings and documents annexed alongwith the reply, would submit that the Respondents have highest respect and regards for the order passed by this Court. As soon as the order of this Court was received by the authority, proceedings were initiated by them. In their reply it has been stated that from time to time, the Respondents have taken steps towards removal of encroachment as also for construction of drainage. In fact, it is contented, even before the direction was issued by this Court, appropriate proceedings were drawn for removal of encroachment and construction of drainage.
4. Learned counsel for Respondent No. 2 further submitted that the competent authority, under the direction of the answering Respondents in the contempt petition, initiated encroachment proceedings and number of notices were issued to those who were *prima facie* found having occupied the identified Government land and stretched around the pond situated in the village. Referring to number of such notices, it has been stated that at this stage, after having received notices, the alleged encroachers in the encroachment

proceedings demanded fresh demarcation which has also been carried out, but final orders could not be passed because during this period the Respondent authorities were engaged in election duties due to Lok-Sabha Election of 2019.

5. We have gone through the reply filed by the Respondent No.2 and are satisfied to see that after the order of this Court was submitted before the authority, proceedings with regard to removal of encroachment have actually been initiated, number of notices issued and demarcation has also been done. Not only that, the Respondents come out with specific averment supported by documents, to show that drainage construction has also been taken up and construction has also reached upto the stage near the pond.
6. From pleadings and documents disclosing the steps taken by the Respondents, we find that the Respondents had taken up the grievance of the Petitioner and acted towards redressal of that grievance and substantial steps have also been taken by them till date, though, the proceedings towards removal of encroachment has not been brought to its logical conclusion.
7. In view of the direction issued by the Court earlier, the Respondents cannot be held liable for any contempt as they did not sit over the matter without doing anything, but they have subsequently progressed towards redressal of grievance, therefore, no more proceedings are required to be drawn in this contempt petition.
8. Rule is discharged against the Respondent No.2. The proceedings are closed.
9. It is expected that the Respondent authorities shall conclude all the proceedings at the earliest.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Manindra Mohan Shrivastava)
Judge