

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 473 of 2018**

(Arising out of order dated 28.07.2017 passed in MCC No.119 of 2015 and MCC No.218 of 2015 by learned Division Bench)

- Dr. Prakash Ladikar S/o Shri Sarangdhar Ladikar Aged About 55 Years R/o Rishi Colony, Dayalband, Bilaspur, Chhattisgarh

---- **Petitioner**

Versus

- Dr. Rohit Yadav I.A.S., Secretary, Government Chhattisgarh, Urban Administration And Development Department, Mantralaya Mahanadi Bhawan, Naya Raipur, Chhattisgarh (Contemnor),

---- **Respondent**

For the petitioner	:	Mr. Sourabh Dangi, Advocate
For the respondent	:	Mr. Pankaj Singh, Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Sharad Kumar Gupta, Judge

ORDER ON BOARD

Per P.R. Ramchandra Menon, Chief Justice

17.10.2019

1. This matter arises from the directions given in the common verdict passed by this Court on 28.07.2017 in MCC No.119 of 2015 and MCC No.218 of 2015.

The operative portion reads as follows:-

“The Secretary, Urban Administration, Government of Chhattisgarh will take a final decision in the matter within an outer limit of six months from the date of the receipt of a copy of this judgment and the representations of the parties whichever is later. We direct that any among the parties to this litigation, desirous of placing objections or representations shall do so before the Secretary, Government of Chhattisgarh and they will mark appearance by themselves or through duly authorized

representative in the office of the Secretary, Urban Administration, Government of Chhattisgarh on 18th August 2017 at 11 a.m.”

2. The learned counsel for the petitioner submits that, despite the Court had clearly expressed that the benefit was being extended only to 7 persons, the Secretary, who is contemnor in the matter, has decided to open up the matter in respect of all other similarly situated persons and hence the grievance. According to the learned counsel, it is to be proceeded in terms of the Contempt of Courts Act. The respondent/contemnor has filed a return in compliance of the directions given by this Court, Para 7 of which reads as follows:-

“7. The answering respondent in view of the observations made by this Hon'ble Court in paragraph 10 onwards had considered the case without bias and with a free mind in compliance of the order in its true letter and spirit. There was no deliberate, willful or intentional disobedience ever committed. Each and every party were given the fullest opportunity to represent his case and submit his argument. It appears that Dr. Prakash Ladikar intentionally refrained himself from appearance in the date of hearings for the reason that he had by all implications consented to such constructions of shops by municipal corporation, provided a 15 feet width road could be left open in front of his hospital for entry of ambulance and other vehicles in the hospital. His letter dated 25.01.2018 was available in the records of municipal corporation which was submitted by the municipal corporation and probably with the said reasons Dr. Prakash Ladikar had intentionally refrained himself from appearance in all the 3 dates. Copy of letter dated 25.01.2018 is hereby annexed as Annexure R/2”.

3. It is brought to the notice of this Court that the order passed by the Secretary, Personnel, in pursuance of the judgment passed by this Court was subsequently challenged by the petitioner herein by filing writ petition No.467 of 2012. After hearing, the impugned order was set aside and the matter was

directed to be reconsidered, which is pending consideration before the Secretary, Personnel. In view of the turn of events, we are of the view that no contemptuous act is brought out to proceed against the respondent. We do not express anything with regard to the merits of the dispute. Parties are free to proceed with further steps in accordance with the relevant provisions of law, before the forum/authority where the issue is pending.

4. Petition stands disposed of.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge