

**HIGH COURT OF CHHATTISGARH, BILASPUR****CONT No.567 of 2018**

- Dipan Chakrabarty S/o Late Dr J.C. Chakrabarty, Aged About 74 Years  
Jail Road, Babu Para, Ambikapur, District Surguja Chhattisgarh., District :  
Surguja (Ambikapur), Chhattisgarh

**---- Petitioner****Versus**

- Smt. Kiran Kaushal Collector, Ambikapur, District Surguja Chhattisgarh.,  
District : Surguja (Ambikapur), Chhattisgarh

**---- Respondent**

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For petitioner : Shri Anup Majumdar, Advocate  
For Respondent: Shri A. K. Chaki, Advocate

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**Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**  
**Order On Board**

**03/07/2019**

Heard.

1. This contempt petition has been filed alleging willful disobedience of order dated 24-04-2017 passed by this Court in WPC No.1063 of 2017.
2. Learned counsel for the petitioner submits that enquiry, as directed by this Court, has not been made by the respondent and the petitioner's assertion that the concerned area under dispute is a public road, which has not been duly examined.
3. The respondent has already filed their reply and it contains certain averments of fact with regard to existence of road etc. Reference has been made to various records also. Though, learned counsel for the petitioner would raise a dispute with regard to correctness of the assertion of facts made by the respondent in their reply, to my mind, no further enquiry can be made in this contempt petition. The petitioner's remedy would be to take appropriate proceedings to require enquiry into the disputed facts, wherein the parties would be at liberty to lead oral as well as documentary evidence.
4. In view of above, no further proceedings can be drawn against the

respondent in the instant contempt petition. Rule is discharged.

5. Accordingly, this petition is dismissed.

SD/-  
( **Manindra Mohan Shrivastava**)  
**J U D G E**