

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No. 66 of 2018**

1. Chhattisgarh Diocese Board of Education through its Chairman Rt. Rev. Robert Ali, Bishop S/o Late Victor Ali, aged about 64 years, Chhattisgarh Diocese, CNI, Opposite Raj Bhavan, Gate No. 1, Civil Lines, Raipur, District Raipur (C.G.)
2. Church of North India through Moderator Bishop P.C. Singh, S/o late B. Singh, aged about 53 years, CNI, Synod Delhi, 16th Panth Mar, CNI Bhawan, New Delhi.

---- Petitioners**Versus**

1. State of Chhattisgarh through the Deputy Registrar, Firms and Societies, New Raipur, District Raipur (C.G.)
2. Chhattisgarh Diocese Board of Education through the Secretary, Wilsan Lal S/o Late Shri M. Lal, aged about 61 years, R/o Netaji Subhash Complex, Jarhabhata, Bilaspur, District Bilaspur (C.G.)

---- Respondents

For Petitioner	:	Shri Anshuman Singh and Shri Sourabh Sharma, Advocates.
For Respondent/State	:	Shri Sudeep Verma, Deputy Government Advocate.

with

Contempt Case (C) No. 757 of 2018

- Chhattisgarh Diocese Board of Education through the Secretary, Wilson Lal (wrongly typed as wilsan lal in the writ petition and orders of writ petition and writ appeal), S/o Late Shri M. Lal, aged about 61 years, R/o Netaji Subhash Complex, Jarhabhata, District Bilaspur (C.G.)

---- Petitioner**Versus**

1. Rt. Rev Robert Ali, Chairman, Chhattisgarh Diocese Board of Education Raipur (Church of North India), Opposite Raj Bhawan, Gate No. 1, Civil Lines Raipur, District Raipur (C.G.)
2. Shashi Waghe, Diocese of Chhattisgarh Church of North India, Opposite Raj Bhawan, Gate No. 1, Civil Lines Raipur, District Raipur (C.G.)

---- Respondents

For Petitioner : Shri Surfaraj Khan, Advocate.
 For Respondents : Shri Anshuman Singh and Shri Vaibhan Goverdhan, Advocates.

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

Hon'ble Shri Justice Sharad Kumar Gupta, Judge

Judgment on Board

Per P. R. Ramachandra Menon, Chief Justice

17.10.2019

1. Judgment dated 02.05.2018 passed by a Bench of this Court in Writ Appeal No. 452 of 2018 preferred by the writ Petitioner against the refusal to grant an interim order of stay has given rise to these two proceedings. The first one i.e., Review Petition No. 66 of 2018 is filed by Respondent No. 1 in the writ petition/appeal, whereas the other one is for proceeding against the Respondent/Contemnors for the alleged contemptuous act for paying scant regards to the orders passed on 02.05.2018 as aforesaid.
2. Heard Shri Anshuman Singh and Shri Sourabh Sharma, the learned counsel for the review Petitioner, Shri Surfaraz Khan, the learned counsel appearing on behalf of the Petitioner in contempt case who happens to be Respondent in Contempt Case No. 757 of 2018 and Shri Sudeep Verma, the learned counsel representing the State.
3. The gist of the facts and sequence is that the Petitioner in the contempt petition had filed the writ petition with the following prayers:

“10.1 That, the respondent no. 3 resolution No. EC:101:2018:569 dated 15-16.02.2018 may kindly be quashed.

10.2 That, any other relief which this Hon'ble Court deems fit and proper may also kindly be granted to the petitioner in the interest of justice alongwith cost of the petition.”
4. There was a prayer for interim relief which came to be considered by the learned Single Judge who passed an Annexure A/2 order dated 05.04.2018

produced in the review petition, whereby the interim relief was declined. This was sought to be challenged by filing an appeal where a categorical finding was rendered by the Bench to the effect that there was no reason to interdict the order passed by the learned Single Judge. However, so as to provide some solace with regard to the apprehended course of action or some feud likely to be resulted, it was observed and directed in paragraphs 4 and 5 of the said judgment, as given below:

“4. The appellant submits that it is a Society, registered under the provisions of the Chhattisgarh Society Registration Act, 2001 and that supersession of a Committee could be done only by the State Government under Section 33 of that Act. The second respondent is obviously not a statutory authority. Therefore, while we do not find any ground to interfere with the impugned order refusing stay, it is necessary that *status quo* as on today shall be maintained regarding possession and management of the institution of the Writ Petitioner.

5. We clarify that we are issuing such an order while disposing of this Writ Appeal at the stage of admission without hearing the respondents to ensure that there ought to be some clarity regarding possession and management, thereby excluding possible feuds between rival groups. We also clarify that the said direction issued herein will be subject to any further orders that the learned Single Judge may pass from time to time; even contrary to what we have directed herein above.”

5. The learned counsel appearing for the review Petitioner submits that the direction given by this Court has led to much adverse consequence and it is being misused by the writ Petitioner who was the Appellant before this Court.
6. The learned counsel appearing for the Petitioner in the contempt petition submits the sequence of events and the circumstances under which the order passed by this Court has been put to challenge.
7. The learned counsel for the rival parties concede that the writ petition is still pending. After going through the verdict sought to be reviewed in the review petition, we are of the view that, having found that there was no necessity to

interdict the order passed by the learned Single Judge, the matter could have been left to be finalized by raising appropriate pleadings, proceedings and submissions before the learned Single Judge where the issue is pending. However since the order itself explains the scope, making it subject to further orders to be passed by the learned Single Judge, it is left to the learned Single Judge to consider and pass appropriate orders.

8. In the said circumstances, we do not find it necessary to scrutinize and arrive at a finding or adjudication either in the review petition or in the contempt petition and the parties are relegated to move the learned Single Judge for appropriate relief, to the extent they are aggrieved in any manner.
9. Both the matters are closed accordingly. We leave it open all the contentions raised from both the sides with regard to the merit involved. Based on the submission made by the learned counsel appearing for the parties, considering the nature of the litigation involved, we express our hope and desire that the writ petition be considered and finalized by the learned Single Judge, as expeditiously as possible.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge