

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 305 of 2016

- Bajrang Lal Agrawal S/o Shri Mamanchand Agrawal, Aged About 60 Years R/o Dabhra Road, Kharsia, P. O. And P. S. Kharsia, District Raigarh, Chhattisgarh

---- Petitioner

Versus

1. Shri Amitabh Sharma Chief Municipal Officer, Municipal Council Kharsia, District Raigarh, Chhattisgarh
2. Shri K.R. Pisda, The Secretary, Department Of Revenue, Govt. Of Chhattisgarh, Mahanadi Bhavan, Naya Raipur, Dist. Raipur, Chhattisgarh
3. Smt. Alarmel Mangai D., District Collector, Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh
4. Shri Durgesh Verma, Sub-Divisional Officer Revenue, Kharsia, Dist. Raigarh, Chhattisgarh
5. Shri A.K.Diwan, Executive Engineer, Public Works Department, Raigarh, Dist. Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Rishi Rahul Soni, Advocate.
For Respondent No.1	:	Mr. Adil Minhaj, Advocate.
For Respondent Nos. 2 to 5	:	Mr. Chandresh Shrivastava, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/09/2019

Heard.

1. This contempt petition arises out of order dated 07.05.2014 passed in WP(C) No. 347 of 2014. According to the petitioner, despite specific direction for payment of compensation upon inquiry, the petitioner is not being paid compensation. The petitioner's claim is that the property belongs to the petitioner and he did not encroach upon the property. According to the petitioner, this stand of the petitioner is supported from a spot panchnama prepared earlier on 12.06.2014.
2. Learned counsel for the respondent would submit that in this case, the respondent authorities got spot inspection conducted and on more than one occasion, according to the respondent, the petitioner encroached upon the

government land in respect of which, later on, Tehsildar had also passed orders of his eviction under the provisions of Land Revenue Code.

3. It is also found that the petitioner, while seeking indulgence of this Court in WP(C) No. 347 of 2014, did not disclose a very relevant fact that prior to filing of writ petition, he had already filed a civil suit. The Panchnama report dated 12.06.2014 also records the fact that the construction was already demolished in the year 2012. These facts were not disclosed in the report.
4. In view of the conspectus of facts and circumstances, discussed hereinabove, in the considered opinion of this Court, no case is made out for initiating contempt proceedings against the respondent authorities. No case is made out for punishing respondents.
5. In that view of the matter, rule is discharged. The contempt petition is closed. The observations made in this order shall not come in the way of the petitioner in challenging the order of the respondent on the disputed aspect of alleged encroachment in any other forum including Courts.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Ravi