IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cont. Case (C) No. 746 of 2018

Ashok Kumar Keshri @ Ashok Keshri & Ors. … … Petitioners
Versus
The State of Jharkhand & Ors. … … Opposite Parties

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioners : Mr. Anil Kumar Sinha, Sr. Advocate
Mr. Satish Kumar Keshri, Advocate
For the Opposite Parties : Mr. Praveen Akhauri, SC (Mines)-I

09/11.12.2020 The contempt case is taken up today through Video conferencing.

The present contempt petition has been filed for initiating a contempt proceeding against the contemnors/opposite parties alleging willful disobedience of the order dated 07.08.2018 passed by this Court in W.P.(C) No. 420 of 2018.

Mr. Anil Kumar Sinha, the learned Senior Counsel for the petitioners, submits that the aforesaid writ petition filed by the petitioners was disposed of by this Court vide order dated 07.08.2018 with following direction:

> 10. Considering the aforesaid facts and circumstances of the case, the petitioners are given liberty to appear before the respondent no. 3 by filing an appropriate application with supporting documents, claiming lawful right over the land in question. On receipt of the said application, the competent authority shall pass speaking and reasoned order, after providing due opportunity of hearing to the petitioners/their representatives, in accordance with law.
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> 11. If the notices dated 17th October, 2017 and 24th April, 2018 have given rise for initiation of different proceedings, the respondent authorities are at liberty to club both the cases together.
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> 12. Till the order is passed by the competent authority in pursuance of the impugned notices, the parties shall maintain status quo over the land in question.
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> 13. The writ petition is, accordingly, disposed of with the aforesaid liberty and directions."

It is further submitted by the learned Senior Counsel for the petitioners that as per the aforesaid order of this Court, the opposite parties were directed to maintain status quo with regard to

the land in question, till the competent authority would pass an order in terms with the direction. Though the petitioner had furnished a copy of the order passed by this Court in the aforesaid writ petition on 30.10.2018 itself, the Executive Engineer, Building Division, Garhwa continued with the construction over the land in question. The said fact was well within the knowledge of the opposite party no. 3 – the Land Reforms Deputy Collector, Garhwa. It is thus submitted by the learned Senior Counsel for the petitioners that the opposite party no. 3 has violated the observation/direction made by this Court in the aforesaid order.

Mr. Praveen Akhauri, the learned SC (Mines)-I appearing on behalf of the opposite parties, while referring to paragraph-12 of the show cause affidavit dated 04.08.2020 filed on behalf of the opposite party no. 2 – the Circle Officer, Garhwa, submits that the Executive Engineer, Building Division, Garhwa had intimated the In-Charge Officer, Legal Section, Garhwa vide office letter no. 380 dated 13.07.2020 that he was informed by the petitioner no. 4 – Rakesh Kumar Keshri about the order dated 07.08.2018 passed by this Court on 10.11.2018 and thereafter, the construction work over the land in question was stopped with immediate effect.

Having heard the learned counsel for the parties and on perusal of the show cause affidavit filed on behalf of the opposite party no. 2, I am of the view that there is no such deliberate attempt on the part of the opposite parties to violate the order dated 07.08.2018 passed by this Court in W.P.(C) No. 420 of 2018. It further appears that a reasoned order has already been passed on 24.01.2020 by the opposite party no. 3, a copy of which has been annexed as Annexure-A to the show cause affidavit dated 04.08.2020 filed on behalf of the opposite party no. 2. Hence, I see no reason to further proceed in the contempt petition. The contempt proceeding as against the opposite parties is hereby dropped.

The contempt petition is accordingly disposed of.

I.A. No. 10597 of 2018 also stands disposed of.

(Rajesh Shankar, J.)

Manish