

HIGH COURT OF CHHATTISGARH, BILASPUR

- Dharamchand Agrawal S/o Late Harifulmal Agrawal, R/o Nehru Park Road, Surajpur, Tehsil And District Surajpur, Chhattisgarh.

Versus

1. Nandji Pandey Tehsildar, Surajpur, District Surajpur Chhattisgarh.
2. Manjulata Agrawal Wd/o Late Kailash Agrawal Aged About 53 Years,
3. Saket Mittal S/o Late Kailash Agrawal Aged About 24 Years,
4. Manisha Agrawal D/o Late Kailash Agrawal Aged About 26 Years,
5. Swati Agrawal W/o Sunil Agrawal Aged About 29 Years

---- Respondents

For Petitioner :- Mr. Manoj Paranjpe, Advocate

21/05/2020

1. The present contempt petition has been filed by the petitioner (respondent No.1 in WPC No.1889 of 2017)

alleging defiance of the order dated 07.01.2019 passed by this Court in WPC No.1889/2017. According to the petitioner, the respondents/contemnors have violated para 3 of the order passed by this Court inasmuch as despite there being a direction for maintaining *status quo*, as it existed on the date of passing of order by this Court, the state of revenue record were changed by the contemnors.

2. By order dated 07.01.2019, this Court has disposed of WPC No.1889/2017 in the following terms :-

- “1. A bare perusal of the order Annexure – P/1 would reflect that the Additional Commissioner, Surguja Division, Ambikapur, has passed the order without hearing the petitioner even though in an earlier writ petition bearing WPC No.1510/2015 this Court by order dated 12-7-2016 had directed the Commissioner, Surguja Division to rehear the parties and decide the matter on merits.
2. The impugned order being in violation of the order passed by this Court as also being in violation of the principles of natural justice the same is set aside and the matter is remitted back to the Additional Commissioner, Surguja Division, Ambikapur, to restore the matter in its file; issue notice to both the parties and then decide the matter on merits in presence of both the parties.
3. In the meanwhile, there shall be status quo, as it exists today, in relation to the subject property.
4. Accordingly, the writ petition stands disposed of. “

3. A perusal of the above order passed by this Court would manifest that while setting aside the order passed by the Additional Commissioner, Surguja Division, Ambikapur and remitting the matter to rehear the parties and decide the same on merits, this Court directed maintenance of *status quo* in respect of the subject property and not in respect of revenue record. Thus, merely because the entries in the revenue records were corrected pursuant to the order passed by this Court, the same would not amount to violation of the order passed by this Court.
4. As a sequel, the contempt petition is liable to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

Ayushi