

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Contempt Case (C) No. 817 of 2020

1. Green Housing Development Society Through Its President Prakash Chand Gupta, Son Of Late Shri Govind Prasad Gupta, Aged About 71 Years, Registered Office At 46, Lal Ganga Shopping Mall, G.E. Road, Raipur, District : Raipur, Chhattisgarh

---- Applicant

Versus

1. S. Bharathi Dasan Collector, Raipur, Collectorate, Kutchery Chowk, District Raipur, Chhattisgarh 492001

---Respondent

For Applicant	:	Mr. Anshuman Shrivastava, Advocate
For Respondent	:	Mr. Mateen Siddiqui, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

03.11.2020

1. The State counsel submits that the order passed by this Court stands duly complied with as the respondents had passed an order on 31.10.2020 and therefore the contempt proceedings may be disposed off at this juncture.
2. The counsel for the applicant submits that vide the said order dated 31.10.2020, the Collector has passed the same order which he had passed earlier, rejecting the application of the petitioner under Section 237 of the Land Revenue Code, 1959. The contention of the counsel for the applicant is that the decision ought to have been taken at the State level and not at the level of the District Collector as per sub-section 3 of Section 237 of the Chhattisgarh Land Revenue Code, 1959. According to the counsel for the applicant all

that the Collector ought to have done in terms of the earlier order passed by the secretary of the Department dated 30.09.2019, the Collector ought to have made a reference to the State counsel for an appropriate decision and could not have outrightly rejected the same. The contentions which the applicant have raised at this juncture would not be an issue which could be dealt with under the contempt jurisdiction rather are the issues which have to be specifically dealt with the order of the collector itself under challenge and not by exercising the contempt jurisdiction. That a writ of mandamus or a writ of any other nature cannot be issued exercising the Contempt Jurisdiction.

3. Since the order passed in the original writ petition as also in the subsequent MCC the direction was to the Collector for taking a decision and since admittedly there is a decision now taken on 31.10.2020, the Order passed by this Court in the opinion of this Court stands duly complied with. If at all, if the petitioner/applicant intends to question the same not being satisfied, the only recourse available would be to challenge the same by way of a fresh proceeding.
4. Th contempt petition, accordingly stands disposed off and the respondents are discharged of the contempt proceedings. Reserving the right of the applicant/petitioner to avail appropriate remedies in-respect of the subsequent development.

**Sd/-
(P. Sam Koshy)
Judge**