

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 4 of 2020**

- Birsingh S/o Chungu Sahu Aged About 74 Years R/o Village Nandeli, Thana And Tahsil Jaijaipur, District Janjgir Champa Through Its Power of Attorney Holder Chhabilal Sahu, Aged About 49 Years, S/o Birsingh, R/o Village Nandeli Thana And Tahsil Jaijaipur, District Janjgir Champa Chhattisgarh.

---- Applicant**Versus**

1. Mr. Subhash Singh Raj Present Sub Divisional Officer (R), Sakti, District Janjgir Champa Chhattisgarh.
2. Mr. Indrajeet Burman Earlier Sub Divisional Officer (R), Sakti, District Janjgir Champa Chhattisgarh

---- Respondents

For applicant	Mr. Parag Kotecha, Adv.
For non-applicants	Not noticed.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****7-1-2020**

1. Heard on admission.
2. The applicant had filed a civil suit bearing No. 6-A/2014 against the defendants No. 1 and 2 / respondents No. 1 and 2 regarding disputed land for declaration and permanent injunction. The 2nd Addl. District Judge, Sakti, Distt. Janjgir Champa dismissed applicant's suit. Bearing aggrieved, the applicant preferred First Appeal No. 141/2015. In the appeal, the applicant/appellant had also filed an application for grant of temporary injunction restraining defendants No. 1 and 2 / respondents No. 1 and 2 from interfering with his possession. On 18-11-2015, this Court directed that *status quo* with respect to the suit property as it exists today shall be maintained by the parties till further orders.
3. Counsel for the applicant submitted that proposed respondents who are the Sub Divisional Officer had over reached the order of this Court and committed contempt of court.
4. After a minute scrutiny, this Court is of the considered opinion that direction of the *status quo* was passed against the

defendants No. 1 and 2 / respondents No. 1 and 2. Actually the State of Chhattisgarh was a formal party in the civil suit and is a formal party in the first appeal. No order was passed against the defendant No. 3/respondent No. 3. The order of status quo is concerned with only defendants No. 1 and 2 / respondents No. 1 and 2. Hence if the Sub Divisional Officer is calling the record for mutation purpose, then it cannot be said that they have violated the direction of this Court. In other words, this Court finds that prima facie no contemptuous act has been committed by the respondents. Hence this Court finds that prima facie no case is made out against the respondents under the Contempt of Courts Act.

5. Consequently, the instant contempt petition is not admitted for final hearing and is dismissed *in limine*.

Sd/-
(Sharad Kumar Gupta)
Judge