

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 70 of 2020**

- Dinesh Verma S/o Late Shri Shiv Shankar Verma Aged About 52 Years R/o In Front Of Manohar Talkies Juna Bilaspur, District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. Mr. Prabhakar Pandey Commissioner Of Municipal Corporation Bilaspur, City Bilaspur, Tahsil And District Bilaspur Chhattisgarh
2. Shri Kishore Rai Mayor, Municipal Corporation, Bilaspur, Address Town Hall, City Bilaspur, Tahsil And District Bilaspur Chhattisgarh

---- Respondents

For Petitioner : Ms. Deblina Maity, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****12/02/2020**

1. This case is listed for orders on certain minor defaults.
2. This contempt petition alleges violation of the order dated 14.01.2011 passed by this Court in WPC/1564/2008 on the ground that the land in respect of which, restraint order was issued, is being used for construction by the Corporation despite this having been brought to the notice of the Corporation. Letter dated 02.08.2019 disclosing information under RTI to the petitioner prima facie shows that 0.43 acres of Khasra No.332/2, 0.15 acres of Khasra No.330 and 0.35 acres of Khasra No.336/6 have not been acquired by the Corporation.
3. The spirit of the order passed by this Court on 14.01.2011 was very clear that unless aforesaid lands are acquired in accordance with law, the local authority or the State Authority shall not interfere with the possession of the petitioner over those lands. Only land admeasuring 0.24 hectare in Khasra No.332/2 covered by the gift deed and land in Khasra No.327 were excluded from the teeth of the order passed by this Court.
4. The Commissioner in Municipal Corporation is directed to get spot inspection carried out to ensure that the order of this Court is not violated. Only after

arriving satisfaction in this regard, based on the report, the Commissioner shall permit further activity of construction over the lands covered by the order dated 14.01.2011 of this Court excluding those lands which are covered by gift deed.

5. The petitioner shall submit a copy of this order before the Commissioner of Corporation who shall ensure due compliance of the order of the Court.
6. The Commissioner shall also hold an enquiry to find out whether any construction activity was carried out over the land in respect of which restraint order was issued by this Court. If it is found that any officer or employee of the Corporation has violated the order of the Court, it will be personal responsibility of the Commissioner to ensure appropriate disciplinary action.
7. Any amount of indulgence in violation of the order of the Court by any authority shall be viewed strictly. The enquiry, as directed, shall be completed by the Commissioner within 60 days.
8. A copy of this order be submitted in the office of Commissioner within 15 days.
9. This contempt petition, at this stage, is disposed off with liberty to revive, in case, eventuality so arises.

Sd/-

(Manindra Mohan Shrivastava)
Judge