

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 338 of 2021**

Smt. Vijay Laxmi Sharma W/o Late Govind Prasad Sharma
 Aged About 89 Years R/o Deepak House, Jalgrih Marg,
 Tikrapara, Tehsil Raipur, District Raipur Chhattisgarh.
--- Applicant

Versus

1. State of Chhattisgarh through the Secretary, Department of Revenue And Disaster Management Mahanadi Bhawan, Thana Naya Raipur, Tehsil and District Raipur Chhattisgarh.
2. The Collector through the Secretary, Department of Revenue and Disaster Management Collectorte District of Raipur Chhattisgarh.
3. Tehsildar Raipur, Tehsil and District Raipur Chhattisgarh.
4. The Chairman Raipur Development Authority, Chhattisgarh Raipur.
--- Respondents

CONT No. 503 of 2021

Smt. Vijay Laxmi Sharma W/o Late G.P. Sharma Aged About
 85 Years Resident of Dipak House, Jal Grih Marg, Tikrapara
 Raipur District : Raipur, Chhattisgarh
--- Petitioner

Versus

1. Shri Deepak Kumar Tiwari Registrar General High Court of General High Court of Chhattisgarh, Bodri, Bilaspur Chhattisgarh.
2. Shri Yoghesh Parik Registrar (Judicial) , High Court of Chhattisgarh, Bodri Bilaspur Chhattisgarh.
3. Raipur Development Authority through C.E.O. Raipur, Development Authority Raipur District : Raipur, Chhattisgarh
--- Respondents

For the Petitioner : Mr. B. P. Sharma with M.L. Sakat,
 Advocates.

For Respondents 1 & 2 : Mr. Prafull Bharat, Sr. Advocate with Mr.

For respondent no.3 : Mr. Ashish Shrivastava, Sr. Advocate with
 Ms. Asmita Singhai, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.08.2021

1. The contempt petition filed by the petitioner Vijay Lakshmi Sharma and the MCC PUD which emanates from the notice issued to the Registrar by the counsel for petitioner come for consideration. The primary crux of the matter is that after a long drawn litigation with respect to payment of compensation, Special Leave Petition No. 8422/2020 filed by RDA, Raipur and SLP No.9912/2020 & 9913/2020 filed by Vijay Laxmi Sharma were eventually decided together by order of Hon'ble the Supreme Court dated 3rd March of 2021 wherein certain directions were given at para 23 which is reproduced here-in-below:

“23. In the end we direct as under :

a) The amounts deposited by the Authority in the Registry of this Court, pursuant to the order dated 24.09.2020 passed by this Court along with interest accrued thereon, shall be made over to the Registry of the High Court within two weeks from today;

b) The writ petitioners shall be entitled to the sums indicated against their names in the compliance affidavit of the Authority along-with interest accrued thereon, after the conveyance deeds in respect of the parcels of land which were held by the writ petitioners (the details of which are given here-in-above) are executed in favour of the Authority.

C) To facilitate the exercise as directed in afore-sated directions:-

(i) within two weeks of the receipt of money in terms of direction (a) by the Registry of the High Court, the writ petitioners shall indicate a day for execution of the conveyance deed with advance intimation of at least three days.

(ii) the writ petitioners shall, on the date so indicated, execute the Conveyance Deeds in favour of the Authority, which shall be represented by a competent official of the Authority, duly authorised in that behalf.

(iii) All the charges in respect of the execution of Conveyance including stamp duty, if any, shall be borne by the Authority.

(iv) Upon furnishing of proof of such execution, the Registry of the High Court shall disburse the money allocable to each of the writ petitioners or to their successors as the case may be, within a week".

2. Subsequent thereto, a writ petition was filed before this Court bearing WPC No.2287/2021 wherein this Court on 15.06.2021 passed the following order:-

"Heard.

1. During the preliminary submission reference is made to a letter dated 09.06.2021 issued by the Raipur Development Authority whereby it is stated that the amount of Rs.6,68,13,140/- which was deposited in the Supreme Court has been transferred to the High Court and is with the Registry, same amount may be released in respect of the respective petitioners who were before the Supreme Court.

2. Shri B. P. Sharma, learned counsel for the petitioner and Shri Ashish Shrivastava, Sr. Advocate on instruction would submit that no further adjudication is required to be made as the name of the RDA is already transferred in respect of the land in question.

3. Considering the tenor of the letter dated 09.06.2021 which is addressed to the Registrar, High Court, the Registry is directed to release the amount of Rs.6,68,13,140/- in respect of the respective petitioners subject to compliance by the order passed by Hon'ble the Supreme Court within a week.

4. With such observation, the petition stands disposed of".

3. Learned counsel for the petitioner would submit that in order to execute a Conveyance Deed, necessarily the property ought to have been in the name of petitioner whereas the entire property which was subject of acquisition was already recorded in the name of RDA, therefore, nothing remains to be conveyed. He refers to the letter of the RDA filed in writ petition and would submit that the RDA having no objection to release the amount in favour of the petitioner has deposited the amount of Rs.6,72,78,127/- whereas the Registry of this Court has put an objection that unless and until the compliance of the Supreme Court order is carried out, the amount cannot be released. He would submit that the Registry of this Court is compelling the petitioner to make a false submission and commit illegal act inasmuch as no land stands in the name of petitioner as on today and the entire land has been transferred to RDA, Raipur. It is further stated that in order to register a conveyance the necessary revenue documents are required to be attached to show that the property is in the name of vendor. It is also stated that since in revenue records the property already stands transferred in the name of RDA, the order of the Supreme Court be interpreted in that line. It is stated that the Registrars knowing the facts in its entirety are avoiding to release the amount despite the fact that RDA has consented to release the amount in favour of the petitioner. Therefore, it is stated that when the RDA does not have any objection, in such eventuality the amount deposited by the RDA should

have been paid to the petitioner and to avoid the same it sounds in contempt.

4. Certain Instructions were directed to be obtained by the Counsel from respondents 1 & 2. They have placed reliance on a direction given by the Supreme Court.
5. While considering the issue, it would appear that this Court by its order dated 15.06.2021 passed in WPC No.2287/2021 observed that the payment of Rs.6,68,13,140/- with interest be made over to the petitioner subject to compliance of the order passed by the Supreme Court within a week. It is, therefore, the order of Hon'ble Supreme Court on which the petitioner in sum and substance claims that there has been non-compliance of the order. This Court has only reiterated the judgment passed by the Hon'ble Supreme Court and this Court is denuded of its power to interpret the order to find out whether any contempt is committed or not. Therefore, as per the law laid down by the Supreme Court in ***Vitusah Oberoi and others Versus Court of its own motion (2017) 2 SCC 314***, there is nothing in Contempt of Courts Act 1971 or Article 215 of Constitution of India, which can be said to empower the High Court to initiate the proceeding *suo motu* or otherwise for the contempt of superior court like Supreme Court of India. The Apex Court further held that the power to punish for contempt vested in Court under Article 215 does not, however, extend to punishing for the contempt of Superior Court. Therefore, if the petitioner is of the opinion and sanguine of the fact that there has been contempt of the order for not releasing the amount in her favour, this Court cannot usurp the jurisdiction as per the law laid down by the

Hon'ble Supreme Court in *Vitusah Oberoi Vs. Court of its Own Motion (supra)*. In view of the above position of law, I am not inclined to go into or investigate the fact as to non-compliance of the order which is being being projected by the petitioner whether the contempt is committed or not. It further appears that the amount has already been deposited by the Registry of this Court, therefore, till the amount is released and paid to the petitioner, for short interval of 30 days the amount so deposited by the RDA shall be kept in the fixed deposit so that it would not cause any loss of interest to the petitioner.

6. Accordingly, the MCC and Contempt Petition stand disposed of.

Sd/-
GOUTAM BHADURI
JUDGE