

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CONTEMPT CASE (C) NO. 671 OF 2021**

- Dharmendra Patel, S/o Madan Bhai Patel, aged about 45 years, R/o Subham Vihar, Bilaspur, District Bilaspur (CG) **... Petitioner**
- versus**

1. Smt. Reeta Sandilya, the Secretary, Revenue and Disaster Management, Mahanadi Bhawan, Atal Nagar New Raipur (CG)
2. Saransh Mittal, I.A.S. Officer, Collector, Bilaspur (CG)
3. Prabhakar Pandey, RAS, the then Municipal Commissioner, Bilaspur, District Bilaspur (CG)
4. Amit Gupta, Nazul Adhikari, Bilaspur, District Bilaspur (CG)

... Respondents

For Petitioner

:

Mr. Akhilesh Kumar, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[08/09/2021]**

1. The present Contempt Petition has been filed by Petitioner alleging wilful non-compliance of Order dated 12.6.2020 passed by this Court in W.P.(C) No.1234/2020.
2. The directions given by this Court vide Order dated 12.6.2020 are relevant to be considered herein. For ready reference, the operative part of the Order is reproduced below:

“7. Let the petitioners therefore approach the respondent No.3-Collector, Bilaspur with a claim for grant of alternative suitable land somewhere else in lieu of the present land from where they may be dislocated. That, the respondent No.3, in turn, shall consider the same in accordance with rules, regulations and the scheme, if any, applicable including the aspect whether the petitioner would fall in a category in which they would be entitled for the same.

8. In the event if the petitioners make such an application, it is expected that the respondent No.3 shall take a prompt decision. However, this shall not hamper dislocation of the petitioners as of now for which the Corporation may give a clear 7 days period enabling the petitioners to shift before taking any coercive action.”

3. Subsequently, it appears that the Petitioner has made a representation before the Collector who in turn has forwarded the matter to the Revenue Officer for taking a decision in accordance with the rules governing the field.

4. Some order-sheets have been filed along with the Contempt Petition. Learned Counsel for Petitioner submits that contempt has been committed by the Authorities to the extent that, firstly a decision ought to have been taken by the Collector who has been specifically directed by this Court and secondly that the Respondents have not dealt with the Order passed by this Court in its letter and spirit.

5. Perusal of the order-sheets which have been enclosed along with the Contempt Petition would show that vide Order dated 7.7.2020 it is only an application for staying of the eviction proceeding by the Authorities till a final decision is taken by the Revenue Officer which has been rejected and thereafter the matter was fixed for further orders on 10.7.2020. The proceeding of 10.7.2020 or any subsequent order is not on record. Order dated 2.7.2020 and Order dated 7.7.2020 as such would not amount to a wilful disobedience to the Order passed by this Court. Further, the fact which needs to be considered is that this Court had only permitted the Petitioner to approach the Collector in terms of any scheme under which he could be given alternative land which was required to be scrutinized and which is in process to be scrutinized. This Court has never stayed the eviction proceeding as can be evident by the wordings used by this Court in para-8 of the Order dated 12.6.2020. In view of the same, this Court does not find the action of the Respondents to be contemptuous or in contravention to the directions given by this Court.

6. Contempt Petition accordingly stands dismissed. However, the right of Petitioner stands reserved to assail the subsequent decision that the Respondents would be taking on the proceeding that was drawn subsequent to W.P.(C) No.1234/2020 being disposed of. Sd/-

(P. Sam Koshy)
Judge