

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 908 of 2020**

Akash Sen S/o Deepak Sen, Aged About 27 Years, R/o Village Nagpura,
Tahsil And District Durg, Chhattisgarh

---- Applicant**Versus**

- Khem Lal Verma, Sub Divisional Officer (Revenue) Durg, District Durg
Chhattisgarh

---- Respondent

For Petitioner	:	Mr. Malay Shrivastava, Advocate
For Respondent	:	Mr. Prasun Kumar Bhaduri, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****27.08.2021**

1. The present contempt petition has been filed alleging the non-compliance of the order dated 25.08.2020 passed by this Court in WPC No. 1626/2020.
2. The matter pertains to Section 40 of the Panchayat Raj Adhiniyam, 1993 (hereinafter referred as "the Adhiniyam, 1993") proceedings drawn by the Sub Divisional Officer. The writ petition was filed alleging that there is non-compliance of the statutory requirement as is otherwise required under Sub Section 2 of Section 40 of the Adhiniyam, 1993. The writ petition was disposed of by this Court on 25.08.2020 directing the SDO to take necessary steps further, for compliance of the requirement under Sub Section 2 of Section 40 of the Adhiniyam, 1993. Since there was a non-compliance, the present contempt petition has been filed.
3. The respondent i.e. Sub Divisional Officer (Revenue) was called upon to explain his conduct. The respondent has brought to the notice of this

Court in the course of their submission that the earlier order passed on 30.05.2020 by the Sub Divisional Officer (Revenue) was already subjected to challenge before the District Collector and therefore, necessary compliance could not be done.

4. Today, when the matter is taken up for hearing, learned counsel appearing for respondent submits that the Collector has now vide order dated 07.08.2021 in Panchayat Appeal No.11/A-89/2019-20 has allowed the appeal and thereby the order of SDO dated 30.05.2020 has been set aside. According to the counsel for respondent, since the earlier order of SDO itself stands set aside by the District Collector, the scope of now passing the order as is required under Sub-section 2 of Section 40 of the Adhiniyam, 1993 does not arise. Learned counsel for respondent has also brought on record the certified copy of the order dated 07.08.2021 passed by the Collector. Moreover, he submits that the alleged contemnor SDO has also since been transferred from the said place.
5. In view of all the aforesaid development as has been brought on record by the counsel for respondent, this Court is of the opinion that the contempt petition need not be pursued any further. The right of the applicant however stands reserved for challenging the order dated 07.08.2021 passed in the appeal by the District Collector in an appropriate proceeding as per the provisions of law governing the filed.
6. The contempt petition accordingly stands disposed of and the respondent stands discharged from the contempt proceedings.

Sd/-
P. Sam Koshy
Judge