

HIGH COURT OF CHHATTISGARH AT BILASPUR**CONT No. 51 of 2021**

Roopdev Kushwaha S/o Late Ramvichar Kushwaha Aged About 50 Years
Panch Gram Panchayat, Silphili, Janpad Panchayat, Surajpur, R/o Village
Silpili Pikha, Vishrampur, Surajpur, District Surajpur Chhattisgarh

---- Applicant**Versus**

1. Ajay Singh S/o Vishwaroop Singh Aged About 49 Years Sarpanch, Gram Panchayat Silphili, P.S. Jaynagar, Tahsil Surajpur, District Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh
2. Pushpendra Sharma SDO (Revenue) Surajpur, District Surajpur Chhattisgarh. (Contemnors), District : Surajpur, Chhattisgarh

---- Respondents

For Applicant : Mr. A. K. Prasad, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

27/01/2021

1. The present contempt petition has been filed alleging the non compliance of the order passed by this Court in WPC 1578/2020 on 26.08.2020.
2. The grievance of the present applicant/complainant in the original issue before the Sub Divisional Officer is that this Court vide its order dated 26.08.2020 had stayed only the effect and operation of the recovery proceedings, however subsequently giving a wrong interpretation to the order passed by this Court, the respondent no.1 has moved an application for stay of the entire proceedings being drawn by the Sub Divisional Officer and which has also been accepted by the respondent no.2 and entire

proceedings thus stands stayed which according to the applicant therefore amounts to contempt.

3. Plain reading of the order passed by this Court on 26.08.2020 reveals that this Court had stayed only the effect and operation of the impugned order Annexure P-1, which clearly means that stay would only be to the directions or the order passed in Annexure P-1 which would not under any circumstances mean dealing with the proceedings before the Sub Divisional Officer.
4. There is no case made out by the applicant or by the petitioner that respondents have initiated any recovery proceedings against the original petitioner. Thus, in the opinion of this Court, prima facie, no case for contempt has been made out because the order Annexure P-1 has not been given effect to by the authorities concerned. In case, if the respondents No.1 & 2 in the present MCC have given a wrong interpretation to the order passed by this Court and respondent No.2 has subsequently stayed the entire proceedings pending before him the same would be a subsequent fresh cause of action which could had been challenged by the aggrieved person. Wrong interpretation given by the respondents to an order passed by this Court without there being any outright violation or flouting of the said order passed by this Court would not fall within the ambit of contempt under the Contempt of Courts Act.
5. The present Contempt petition accordingly stands rejected reserving the right of the applicant to avail other remedies available to him questioning the order passed by respondent no.2.

Sd/-
(P. Sam Koshy)
Judge

Rohit