

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No.20 OF 2022

Durga Prasad Nayak and others ***Petitioner(s)***
Mr.D.K.Mohanty,Adv.

-versus-

Kulamani Ranbida, O.A.S. and others ***Opposite Party(s)***
Mr.S.Ghose,Adv.

CORAM:
JUSTICE BISWANATH RATH

ORDER
25.11.2022

Order No.

01. 1. This Contempt Petition involves non-compliance of this Court's order dated 03.11.2020 passed in W.P.(C) No.20702 of 2020. This Court in disposal of the Writ Petition vide W.P.(C) No.20702 of 2020 gave the following direction:-

“Taking into consideration the rival contentions of the parties, this Court is of the considered view that since the Tahasildar, Jharsuguda has accepted the petition dated 30.07.2020 for recall of the order dated 22.07.2020 passed in Mutation Case No.2802 of 2020, he is under legal obligation to dispose of the same in accordance with law. Accordingly, it is directed that the Tahasildar, Jharsuguda-opposite party no.1 shall do well to consider and dispose of the petition dated 30.07.2020 under Annexure-5 filed for recall of the order dated 22.07.2020 passed by him in Mutation Case No.2802 of 2020 in accordance with law as expeditiously as possible preferably within a period of one month from the date of production of an authenticated copy of this order downloaded from the website of the Orissa High Court keeping in view the ratio decided in the case of Alekh Chandra Rath and another (supra).”

2. The above order did not however specify the time limit in undertaking the required exercise. Filing the Contempt Petition, it is alleged taking advantage of no time limit to the order of this Court dated 03.11.2020, the same is not worked out as of now.

3. In course of hearing Mr.Ghosh, learned counsel for the Contemnor on instruction submits that it is for the obstruction created by the contesting Opposite Parties therein by filing a memo bringing to the notice of the authority on pendency of a civil proceeding obstructs the further proceeding. For the opinion of this Court once High Court has directed for disposal of the Writ Petition in a manner, in the event, parties have any difficulty may approach High Court for modification of order but in no circumstance the pendency of a suit shall stand on the way of working out the direction of the High Court. While expressing its anxiety in the attitude of the public authority, the Contemnor on sitting over the direction of the High Court merely on pendency of civil suit and deprecating such basis, this Court in disposal of the Contempt Petition directs the Contemnor herein to comply the order of this Court at least within a period of fifteen days hence and submit the report compliance to the High Court at least within seven days thereafter.

(Biswanath Rath)
Judge

Swarna