

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No. 651 of 2017

Smt. Sanjukta Panda

....

Petitioner

None

-versus-

Ranjita Parida

....

Opposite Party

Mr. A.K. Nanda, AGA

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
15.03.2022

Order No.

- 06.**
- 1.** This matter is taken up by virtual/physical mode.
 - 2.** The contempt petition has been filed by the Petitioner complaining violation of orders passed by this Court on 30th November, 2016 and 8th February, 2017 passed in W.P.(C) No. 19907 of 2016 to the effect that the Opposite Party-Tahasildar-cum-Executive Magistrate, Berhampur attempted to demolish the Petitioner's house.
 - 3.** In obedience to the order dated 8th February, 2017 directing the Contemnor/Opposite Party to file show cause affidavit, the response has been filed before this Court on 11th September, 2017. In Paragraph-4, the Contemnor has clarified the position which is extracted here-in below:-

P.T.O.

“That as regards paragraph-4 of the contempt application, the averments made therein by the petitioner are stoutly denied by this Opp.Party. There was no attempt whatsoever on the part of this Opp.Party to demolish the petitioner’s house as alleged. As a matter of fact the Executive Engineer (R & B) Division No.II, Berhampur, in a drive to clear the passage running over the Government land adjacent to the petitioner’s Plot No. 108/294, had to demolish a part of the wall unauthorisedly constructed over the Government land appertaining to Plot No. 108 of mouza-Kalapuri. Such clearing of the passage over the Government land was necessary for public convenience. This contemnor/opp.party, being the Tahasilar-cum-Executive Magistrate, Berhampur had to remain present at the site during the process of such demolition of unauthorized construction on the Government land in order to maintain law and order situation. Such demolition work has been carried out only on the Government land i.e. Plot No. 108/294 which comprises the petitioner’s land in question in W.P. (C) No. 19907 of 2016. On this score alone the allegation of contempt as made against this contemnor/Opp.Party is liable to be dismissed and the contempt application, accordingly is liable to be dropped against this contemnor/opp. Party.”

4. None appears for the Petitioner at the time of call.
5. Heard Mr. A.K. Nanda, AGA for the Contemnor/Opposite Party. He has submitted that in view of the compliance affidavit being filed and the position has been clarified that the alleged demolition work has been carried out only on the Government land without affecting in any manner, the Petitioner’s land/house. Nothing survives in the contempt.

6. In view of the above, the present contempt is dropped and the contempt petition is disposed of with the above observation.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

March 15th, 2022 Cuttack

