

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.1389 of 2022

Smt. Priambada Nayak ***Petitioner***

Mr. Biswa Chandan Mohanty, Advocate
on behalf of Mr. Gurudutta Senapati, Advocate

-versus-

Sandeep Sampat Madkar, IPS, ***Opposite Parties/
Kendrapara & Another*** ***Contemnors***

Mr. Manoj Kumar Khuntia,
Additional Government Advocate

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

28.07.2022

Order No.

- 02.
1. This matter is taken up through virtual/physical mode.
 2. Non-execution of order dated 27th January, 2022 passed by this Court in W.P.(C) No.2133 of 2022, whereby the Petitioner was supposed to be rendered security assistance to her shop, compelled the Petitioner to file contempt petition arraigning Sri Sandeep Sampat Madkar, IPS, the Superintendent of Police, Kendrapara and Sri Tapan Kumar Rout, Inspector-in-Charge, Pattamundai Police Station in the district of Kendrapara.
 3. When the matter was placed on board on 7th July, 2022, Mr. Manoj Panigrahi, Advocate appearing on behalf of Mr. Gurudutta Senapati, counsel for the Petitioner sought for adjournment and accordingly, the matter is taken up today.
 4. It is submitted by Mr. Manoj Kumar Khuntia, Additional Government Advocate that the compliance affidavit has been filed by Shri Tapan Kumar Rout, Inspector-in-charge,

Pattamundai Police Station, Kendrapara-Opposite Party No.2 eliciting the following fact at paragraph-7, which is extracted herein below:-

“7. That in compliance to the direction of the Hon’ble Court’s order, the deponent issued Command Certificate vide C.C. No.1798247 dtd.16.03.2022 to Inspector, Simon Lakra, S.I. Antaryami Biswal, ASI Nikunja Pradhan, five constables and one Section I.R.B. force to the spot to maintain law and order situation in the proposed site. Copy of C.C. No. 1798247 dtd.16.03.2022 is enclosed herewith as Annexure-A/2. As the villagers of Kathiapada vehemently opposed for opening of the F.L. shop, the staff of FL shop of the petitioner closed the shop and left the place.”

5. In view of the necessary assistance being provided as directed by this Court, it is found that there was no deliberate or willful disobedience in carrying out the order dated 27th January, 2022.

6. Hence, the contemnors are discharged and the CONTC is dismissed. However, on the prayer of counsel for the Petitioner, liberty is granted for revival of the contempt petition within a period of two weeks in the event any cause of action still subsists.

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Jyostna July, 28th, 2022
Cuttack