

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No. No.1091 of 2020

***Kamal Ram Dandsena and
another***

....

Petitioners

Mr. B.K.Behera-1, Advocate

-versus-

Surendra Kumar

....

Opp.Party

Mr. L. Samantaray, AGA

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S.SAHOO**

**ORDER
15.12.2022**

Order No.

04.

Hybrid Mode

1. By filing the present petition, the petitioner alleges non-compliance of the order passed by this Court dated 29.11.2019 disposing of W.P.(C) No.18726 of 2019 and further prays the Court to proceed against the opposite party as per the provisions of the Contempt of Courts Act, 1971.

2. Pursuant to the notice issued by this Court, compliance affidavit dated 14.12.2022 has been e-filed on 15.12.2022 by the O.P. No.3-Land Acquisition Officer (in-charge), Nuapada, copy of which has been served on the learned counsel for the petitioner.

3. It is submitted by learned AGA appearing for the Opposite Party that the order passed by this Court dated 29.11.2019 disposing of W.P.(C) No.18726 of 2019 has been complied with.

Regarding the steps taken in compliance of this Court's order dated 29.11.2019 disposing of W.P.(C) No.18726 of 2019, following has been stated in compliance affidavit dated 14.12.2022 :

“5. That it is humbly submitted that decretal dues u/s.18(1) of L.A. Act, 1894 amounting to Rs.2,26,333/- in favour of Makal Ram Dandsena of Village-Jhalap has been sanction vide Water Resources Department letter no.25406/WR dated 04.10.2021. After 6 (six) numbers of reminders issued by this office from time to time, i.e., from the date of sanction, finally the amount to this effect for Rs.2,26,333/- has been received by this office on 07.12.2022 vide letter no.2968 (WE) dated 06.12.2022 from the office of Superintending Engineer, Nuapada Irrigation Division, Nuapada. Copy of letter no.2968 dated 06.12.2022 is enclosed herewith and marked as Annexure-A/3.

6. That it is humbly submitted here that there are three claimant namely Kamal Ram Dandsena, Smt. Faitkan Bai and Sri Bhagatram Kalar in this case. Upon field enquiry, it is found that among the claimant Sri Kamal Ram Dandsena and Faitkan Bai was dead and the third person namely Bhagatram Kalar is alive. The legal heirs of deceased Kamal Ram Dandsena and Faitkan Bai and Bhagatram Kalar were informed through notices issued on 07.12.2022 by this office for appearance of the claimant to receive the decretal dues, but the parties did not appear on the schedule date i.e. 08.12.2022. If they attend before the concerned authorities/Opp.Party No.3 with the appropriate documents with all legal heirs, the Opp.Party no.3 could able to disburse the decretal dues to the petitioners. Copy of notice dated 07.12.2022 are annexed herewith and marked as Annexure-B/3. As per the R.I. report dated 08.12.2022, Notice has been issued to Padmini Bai Dandsena wife of Kamal Ram Dandsena. Kamal Ram Dandsena is the only son of late Faitkan Bai. Copy of R.I. report dated 08.12.2022 and Notice dated 07.12.2022 is annexed herewith and marked as Annexure-C/3 & D/3 respectively.”

4. For the delay in giving effect to this Court’s order, unconditional and unqualified apology has been tendered, which is accepted.

5. In view of the above, in our considered opinion, the present petition alleging non-compliance of this Court's order dated 29.11.2019 disposing of W.P.(C) No.18726 of 2019 has been rendered infructuous.

Accordingly, the contempt petition is dismissed.

(Jaswant Singh)
Judge

(M.S.Sahoo)
Judge

dutta

15th December, 2022
Cuttack

