

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.3634 of 2021

Subash Chandra Bairiganjan

....

Petitioner(s)

Mr.S.K.Swain, Advocate

-versus-

Naba Kishan Jena

....

Opp.Party(s)

Mr.S.P.Panda, Advocate

CORAM:

JUSTICE BISWANATH RATH

ORDER

25.08.2022

Order No.

3.

1. Heard learned counsel appearing for the parties.

2. This is a contempt application for non-compliance of this Court order dated 20.11.2020 in W.P.(C).No.28773 of 2020 wherein this Court gave the following specific direction:

“6.1 Accordingly, it is directed that the Tahasildar, Bhadrak (OP No.2) shall take steps for completion of measurement of plot No.1163 in Demarcation Case No.10 of 2019 and the said Demarcation case shall be disposed of as expeditiously as possible, preferably within a period of three months from the date of production an authenticated copy of this order giving notice to the petitioner as well as the boundary tenants, if there no legal impediment. It is made clear that this Court has not expressed any opinion on the merit of the submissions of either side.”

3. Filing the compliance affidavit pursuant to notice in the contempt petition, there has been filing of response indicating therein that in the meantime the demarcation process is already completed. Learned counsel appearing for the petitioner submits that there is no proper undertaking of exercise. For the opinion of this Court, proper exercise or improper exercise in the matter of demarcation process cannot be the subject matter in a contempt. The contempt petition is accordingly dropped. Petitioner, if so aggrieved, may approach in appropriate petition.

(Biswanath Rath)
Judge

Sks