

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC NO.4869 OF 2021

Sanjay Kumar Ray

....

Petitioner

Mr.P.K.Mallick, Adv.

-versus-

Bulbul Behera

....

Opposite Party(s)

Mr.S.P.Panda, Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
20.7.2022**

Order No.

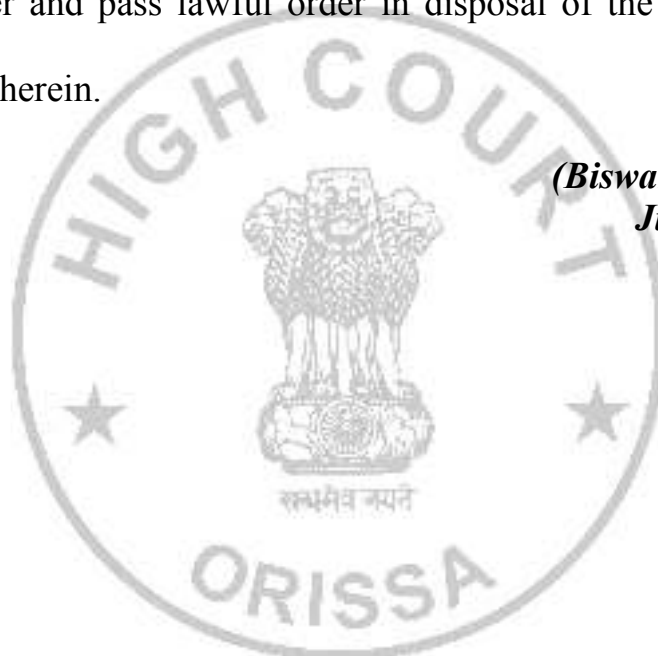
04.

1. Heard learned counsel for the Parties.
2. This Contempt Petition involves non-compliance of the order of this Court dated 15.1.2021 passed in CONTC No.6241/2020 involving W.P.(C) No.24449/2019 disposed of on 14.1.2020. By order dated 14.1.2020 the Petitioner was directed to move an application for early disposal of Mutation Case No.364 of 2010 and in such event the Competent Authority was also directed to dispose of such Mutation Case at least within two weeks from the date of filing in the event there was no legal impediment.
3. In course of hearing, Mr.S.P.Panda, learned counsel for the Contemnor brought to the notice of this Court that there appears to a civil dispute pending by way of appeal at the instance of State

bearing R.F.A. No.7/2022 pending before the First Additional District and Sessions Judge and this becomes an impediment.

4. For the opinion of this Court, pendency of a civil appeal may not stand as a bar in taking a lawful decision in ultimate disposal of the Mutation Case. Since there is no prohibition in disposing of the application pending lawfully, this Court in disposal of the Contempt Petition directs the Tahasildar, Sukinda, the Contemnor, to take up the matter and pass lawful order in disposal of the Mutation Case involved herein.

M.K.Rout



(Biswanath Rath)
Judge