

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No. 4940 of 2021

Suresh Kumar Bhuyan ***Petitioner***

Mr. Bhuban Mohan Bhuyan, Advocate

-versus-

Manas Ranjan Taraasia, Tahasildar, ***Opp. Parties***
Nischintakoili

Mr. Dilip Kumar Mishra,
Additional Government Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
15.03.2022

Order No.

2.
 1. This matter is taken up through Hybrid mode.
 2. This Contempt application has been filed alleging non-compliance of order dated 11th November, 2020 passed in W.P.(C) No.8484 of 2020 as well as order dated 8th July, 2021 passed in CONTC No.779 of 2021.
 3. On perusal of record, it appears that while disposing of W.P.(C) No.8484 of 2020, this Court had directed the Tahasildar, Nischintakoili to dispose of the Demarcation Misc. Case No.64 of 2018 within a period of eight weeks after giving notice to the Petitioner as well as boundary tenants, if there is no legal impediment.
 - 3.1 Alleging non-compliance of the above order, the Petitioner had filed CONTC No.779 of 2021, which was disposed of vide order dated 8th July, 2021 directing the Tahasildar, Nischintakoili to work out the direction made in W.P.(C) No.8484 of 2020, if not complied with in the

meantime within a period of one month of service of copy of the said order.

4. It is submitted by Mr. Bhuyan, learned counsel for the Petitioner that in spite of repeated directions of this Court, Tahasildar, Nischintakoili has not complied with the said order passed in W.P.(C) No.8484 of 2020. The same amounts to contempt of Court. Hence, he prays for initiation of contempt proceeding and to impose suitable punishment on the Tahasildar for non-compliance of this Court's order.

5. Mr. Mishra, learned AGA by filing show cause reply submits that Civil Suit No.133 of 2020 has been filed by the present Petitioner before learned Civil Judge (Junior Division), Salipur and CS No.158 of 2021 has been filed by one boundary tenant, namely, Bhaskar Bhuyan before the said Court in respect of Plot No.860/1148 under Khata No.444/11 and the same are pending for adjudication. It is further submitted by learned AGA that CS No.133 of 2020 has been filed on 13th October, 2020 by the Petitioner, whereas the direction of this Court in earlier Contempt Application, i.e., CONTC No.779 of 2021 was issued on 11th November, 2020. The Petitioner never disclosed about pendency of CS No.133 of 2020. In view of the legal impediment, as foresaid, Tahasildar, Nischintakoili is not in a position to demarcate the land in question. Hence, he prays to drop the contempt proceeding.

6. Taking into consideration the rival contentions of learned counsel for the parties and that two Civil Suits, as aforesaid are pending in respect of the land in question, direction in W.P.(C) No.8484 of 2020 as well as CONTC

No.779 of 2021 for demarcation of the land in Demarcation Misc. Case No.64 of 2018 cannot be undertaken.

7. In view of the above, the contempt proceeding is dropped.

(K.R. Mohapatra)
Judge

s.s.satapathy

