

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No. 5396 of 2022

Premananda Say

....

Petitioner

Mr. Dharendra Kumar Mohapatra, Advocate

-versus-

***Dr. Gavali Parag Harshad,
Collector & District Magistrate,
Sundargarh***

....

Opp.Party

Mr. M.K.Khuntia, AGA

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

**ORDER
7.12.2022**

Order No.

02.

Hybrid Mode

1. By filing the present petition, the petitioner alleges non-compliance of the order passed by this Court dated 04.03.2022 disposing of W.P.(C) No.23702 of 2021 and further prays the Court to proceed against the opposite party as per the provisions of the Contempt of Courts Act, 1971.

2. Learned Additional Government Advocate submits that compliance affidavit dated 06.12.2022 sworn to by the Tahasildar, Balishankar has been e-filed on 06.12.2022 and copy has been served on the learned counsel appearing for the petitioner. It is further submitted as per the said affidavit dated 06.12.2022, order dated 04.03.2022 disposing of W.P.(C) No.23702 of 2021 has been complied with.

3. Regarding the steps taken in compliance of this Court's order 04.03.2022 disposing of W.P.(C) No.23702 of 2021, following has been stated by the opposite party in the compliance affidavit :

"4. That it is humbly submitted that as per the order of this Hon'ble Court, the petitioner submitted a copy of the order in the office of the opposite party on 8.3.2022. On receipt of copy of the order of this Hon'ble Court, the Addl. District Magistrate, Sundargarh vide letter dated 28.4.2022 requested the Block Development Officer,

Balisankara, District : Sundargarh to submit the fact finding report in respect of the case of the petitioner for compliance of the order of the Hon'ble High Court. The Addl. District Magistrate also forwarded a copy of the letter dated 28.4.2022 to the Tahasildar, Balisankara for verifying the concerned ROR and field status of the alleged land and to submit a report in this regard.

5. That pursuant to the letter dated 28.4.2022, the Tahasildar, Balisankara submitted a report to the Addl. District Magistrate, Sundargarh on 21.05.2022. Thereafter the A.D.M., Sundargarh vide letter dated 5.9.2022 requested the concerned officers as well as the petitioner to attend the hearing on 8.9.2022 in compliance of the order of the Hon'ble High Court.

6. That the hearing was conducted on 8.9.2022 and after perusing the report submitted by the concerned officers and hearing the present petitioner, the A.D.M., Sundargarh passed an order holding that so far as claim for payment of compensation is concerned for the land acquired for construction of PMGSY Road, the claim of the petitioner is not sustainable as the land in question is a Government land and rejected the representation of the petitioner. A copy of the said proceeding dated 8.9.2022 was communicated to the petitioner vide Memo dated 02.11.2022. A copy of the proceeding dated 8.9.2022 is annexed herewith as Annexure-A/1."

4. In considered opinion of this Court, the order passed by this Court dated 04.03.2022 disposing of W.P.(C) No.23702 of 2021 has been complied with rendering the present contempt petition infructuous.

Accordingly, the contempt petition is dismissed.

(Jaswant Singh)
Judge

(M.S.Sahoo)
Judge