

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.26315 of 2021

Sri Subash Tripathy and others* *Petitioners

Mr. Bidyadhar Mishra, Senior Advocate along with
Mr. T.K. Biswal, Advocate

-versus-

State of Odisha and others* *Opposite Parties

Mr. Debakanta Mohanty, A.G.A.

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K. PATTANAIAK**

ORDER

16.03.2022

Order No.

06. 1. It is unfortunate that the Petitioners have taken this Court for granted in the manner which will be described hereinafter.
2. Excess amount was paid by the Collector to the Petitioners in the sum of Rs.1,92,47,082/- and when an attempt was made to recover the excess amount paid, the present petition was filed. On 2nd September 2021, learned counsel for the Petitioners on instructions informed the Court that they would deposit Rs.76lakhs on or before 4th September 2021 in the form of fixed deposit in the name of the Collector. They sought six weeks' time to make the balance payment. The Court made it clear by its order on that date that the sooner the Petitioners are able to make the balance payment the better; it could consider lifting the attachment of their Bank accounts which had been ordered by the Collector only when they deposited the balance amount.
3. An application was thereafter filed seeking extension of time to deposit the balance amount. By an order dated 9th November

2021, time was extended to 6th December 2021 as a “last chance”. It was made clear that all the payments made by the Petitioners would be subject to the condition that if the Petitioners ultimately succeeded, the amount would be refunded to the Petitioners with interest as may be directed by the Court.

4. After the second deadline expired on 6th December 2021, another application being IA No.15078 of 2021 was filed on 11th December 2021 seeking further extension of time. On 13th December 2021, this application was dismissed and the earlier interim order making the payment conditional was vacated. Today, when the matter was listed, again the same situation continues. The balance amount has not yet been paid.

5. The Court is therefore constrained to observe that the Petitioners have despite being given a long rope failed to stand by their assurances to the Court. In view of the conduct of the Petitioners, the Court hereby dismisses the writ petition.

Suo Motu Contempt Petition (C) No.2058/2022 (to be registered)

6. At the same time, the Court initiates suo motu contempt proceedings against the Petitioners for wilful disobedience of the assurances given to this Court that formed part of the Court’s orders as noted hereinabove. Notice will be issued to each of the four Petitioners requiring them to appear before this Court in person to explain why they should not be proceeded against for willful disobeying the assurances given by them to this Court regarding the payment of balance sum as was undertaken by each

of them. Notice be served through special messenger and if the special messenger is unable to do so then through the DCP, Cuttack making it returnable on 4th April, 2022. It will be open to the Petitioners to file their individual affidavits showing cause.

7. The Registry is directed to register a suo motu contempt petition. Each of the Petitioners are permitted to file an affidavit in response to the show cause notice in which they will indicate the complete list of movable and immovable property in their possession.

8. The suo motu contempt petition be listed on 4th April, 2022. A copy of this order shall be placed on the file of the suo motu contempt petition.

9. Urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

S.K. Guin