

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.4472 of 2020

Kanhu Ch. Mohanty **Petitioner**

Mr. Prashanta Kumar Nayak, Advocate

-versus-

**Sidharth Sankar Swain
and Others**

.... **Contemnors/Opp.Parties**

Mr. L. Samantaray, AGA for O.P. Nos.1 & 5

Mr. Haripad Mohanty, Advocate for O.P. Nos.2 & 4

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (Oral)

06.09.2022

Order No.

- 03.** 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. Petitioner is stated to be one of the LR's of the original owner of a residential house situated in village Nathagaon, P.O. Soloda, District-Angul, which area was near the Mining zone. Since the mining activities namely blasting etc. were interfering with the existence of the residential house, petitioner is stated to have filed W.P.(C) No.5875 of 2005, which was disposed of vide order dated 22.09.2005.
3. The present contempt has been filed after 15 years of the order with the allegation that the aforesaid residential house stands demolished by the Mahanadi Coalfields Limited (for short 'MCL') and thereby the present contempt has been filed with the allegations against the officials of the MCL.

4. Learned counsel for the State and MCL state that apart from the present contempt on the ground of delay itself being not maintainable in view of the provisions of Section 20 of the Contempt of Courts Act, the area itself was acquired and compensation paid under the provisions of Coal bearing Areas (Acquisition and Development) Act, 1957. By referring to the detailed show cause affidavit dated 17.09.2021 filed by Shri Sunil Vasantrao Joshi, Project Officer, Mahanadi Coalfields Limited, an extract of the order dated 29.05.2019 passed by the Collector, Angul under the aforesaid CBA Act, 1957 detailing the entire statement of facts has been placed on record.

5. After hearing learned counsel for the parties and perusing the pleadings, we find that no contempt is made out.

6. In view of the above, the CONTC is dismissed.

The petitioner is free to seek his remedy available in accordance with law.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

AKK

September 06th, 2022
Cuttack