

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.5904 of 2021

Durga Charan Behera

....

Petitioner(s)

Mr. S.B. Mohanty,
Advocate

-versus-

Tahasildar, Aul

....

Opposite Parties

Mr. S. Ghose,
Advocate

CORAM:

JUSTICE BISWANATH RATH

ORDER

24.09.2022

Order No.

1. This Contempt Petition involves non-compliance of the order of this Court dated 05.03.2021 passed in W.P.(C) No.6624 of 2021.
2. The paragraph no.5 of the order dated 05.03.2021 in W.P.(C) No.6624 of 2021 reads as follows:-

“5. Taking into consideration the submissions of learned counsel for the parties, this Court, without expressing any opinion on the merits of the case of the petitioner, disposes of the writ petition with an observation that in the event petitioner makes an application under Section 41 of the Act for correction of his name in column No.2 of the ROR, as aforesaid, the same shall be considered on its own merit with reference to the documents in original to be relied upon by the petitioner giving opportunity of hearing to all recorded tenants of the said ROR.

Issue urgent certified copy of the order as per rules.”

3. Through the contempt application the Petitioner discloses to have submitted the required application in terms of the direction contained in paragraph no.5 of the order dated 05.03.2021 since 10.03.2021. In the contempt application though an allegation is

made that such application is filed since 10.03.2021, there is no proof of the same. This Court again finds, there is no proper mentioning of the contemnor inasmuch as there is also no mentioning of the name of the Contemnor. No contempt, therefore, lies against the Tahasildar, Aul.

4. Be that as it may, following the direction of this Court in paragraph no.5 of the order dated 05.03.2021, this Court observes, in the event the Tahasildar, Aul is already in receipt of the application U/s.41 of the O.S.S. Act, 1958, he ought to have disposed of such application within a reasonable time and such matter should not await till a direction is given by the High Court in a contempt application. In the process this Court directs, if such application is not disposed of as yet, the same should be disposed of at least within a period of two months from the communication of a certified copy of this order by the Petitioner. Failure in compliance of this Court's direction will be amounting to deliberate violation of the Court's direction.

5. The Contempt Petition stands disposed of with the above order.

(Biswanath Rath)
Judge

Ayaskanta Jena