

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.5325 of 2020

Gangadhar Behera

.... Petitioner

None

-versus-

Rajiv Kumar & Others

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

Mr. Santosh Kumar Pattnaik, Senior
Advocate with Mr. P. K. Pattnaik, Advocate

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (Oral)

12.08.2022

Order No.

- 03.** **1.** This matter is taken up through hybrid arrangement (virtual/physical mode).
- 2.** The contempt has been filed alleging the violation of an interim order dated 5th October, 2020 passed in I.A. No.9974 of 2020 in W.P.(C) No.21840 of 2020, whereby the Odisha Forest Development Corporation (OFDC) was directed not to create third party interests in regard to the cashew plantation lot in question taken on lease by the petitioner for three crop years 2019, 2020 and 2021 under agreement dated 13th February, 2019.
- 3.** Upon notice of the contempt, the Opposite Parties have filed a compliance report by way of an affidavit dated 10th August, 2022 of Shri Richard Ajit Ramchand, Manager, Headquarter, OFDC. In the affidavit, it is stated that the said aforesaid interim order was subsequently modified on 3rd February,

2021, whereby the previous order was modified by observing as under:

“2. Without prejudice to the rights and contentions of the parties, the Petitioner will deposit the entire amount of Rs.26,98,080/- demanded from the Petitioner by the impugned notice dated 4th March, 2020 issued by the Odisha Forest Development Corporation Limited. Above deposit will be made by the Petitioner with the Opposite Party No.1 not later than 10th February, 2021 and such deposit made by the Petitioner shall be held by the Opposite Party No.1 in a short-term fixed deposit. Subject to the above, the interim order dated 5th October, 2020 shall continue till the next date. For reporting, compliance, list for directions on 15th February, 2021.”

Learned counsel submits that the required amount in terms of the subsequent aforesaid order dated 3rd February, 2021 was not deposited by the petitioner. Hence, the Writ Petition itself was dismissed on 15th February, 2021. Thus, the first order dated 5th October, 2020 stood merge with the final order and hence no contempt is made out.

4. In view of the aforesaid, we find no contempt is made up and accordingly the CONTC is dismissed.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

AKK

12th August, 2022
Cuttack