

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No.5414 of 2020

Hadibandhu Das.

....

Petitioner(s)
Mr.A.Behera,Advocate

-versus-

Sushanta Kumar Sutar

....

Opp.Party(s)
Mr.S.P.Panda, Advocate

CORAM:
JUSTICE BISWANATH RATH

ORDER
05.05.2022

Order No.

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1. This contempt application is filed on being presented on 26.11.2020 involving alleged non-compliance of the order dated 26.07.2019 passed in W.P.(C).No.12721 of 2019. In the final paragraph of the order, it appears this Court after giving a direction to the Tahasildar, Chandbali to consider the grievance of the petitioner under the provision of O.P.L.E. Act directed production of such copy of such order on the Tahasildar concerned within a week hence. There is no application for extension of time. It is observed, in the event the petitioner could be unable to produce the copy of the order of this Court nothing prevented the petitioner from asking for extension of time. Undisputedly, the petitioner claims the copy of communication of the order dated 26.07.2019 was made in October, 2019, admittedly much after lapse of time targeted by this Court. Petitioner himself has violated the direction of this Court and for the petitioner's negligence in communicating the order of this Court after clear three months, no contempt petition against the public authority shall lie. Petitioner may find out any other option available to him.

2. It is at this stage of the matter, learned counsel appearing for the petitioner contended since there was no time stipulation in the order dated 26.07.2019, for communication of the order by this Court, it resulted in delay communication. It is at this stage of the matter, reading

through the last but one paragraph of the order dated 26.07.2020, this Court finds the direction of this Court in the matter of communication of certified copy of the order of this Court reads as follows:

“Since the order is passed at the admission stage petitioner is directed to produce a certified copy of this order along with a copy of the brief before the Tahasildar, Chandbali, Dist.-Bhadrak within a week hence for his/her proceeding in the matter.”

Reading the above, this Court finds the counsel appearing for the petitioner attempted to mislead the Court. This Court thus while rejecting the claim of the petitioner on the aspect of no time stipulation for communication of order of this Court, imposes a cost of Rs.10,000/- (Rupees ten thousand only) for wasting the time of the Court unnecessarily and making submissions contrary to the disclosures in the order of this Court itself. The cost, as directed hereinabove, if not deposited in the District Red Cross Fund, Cuttack and receipt not filed within a period of ten days hence, it will be open to the State Authority to recover this amount under the provision of Public Recovery following the procedure of O.P.D.R. Act.

4. The contempt petition stands dropped with the observation and direction made hereinabove.

(Biswanath Rath)
Judge

Sks