

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No. 7797 of 2021

Prafulla Kumar Mohanty

....

Petitioner

Mr. Prabodh Chandra Nayak, Advocate

-versus-

***Puma Tudu, Collector &
Magistrate, Nayagarh & another***

....

Opposite Parties

Mr. L. Samantaray, AGA

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER(Oral)

04.04.2022

Order No.

- 02.**
- 1.** This matter is taken up by virtual/physical mode.
 - 2.** Contempt petition has been filed alleging non-compliance of order dated 29th January, 2020 passed by this Court in W.P.(C) No. 3383 of 2020.

Said order reads thus:-

“Heard learned counsel for the Petitioner and the learned Addl. Government Advocate.

By way of this writ petition, the Petitioner has assailed the action of opposite party No.5-Tahasildar, Nayagarh in not refunding the enhanced royalty amount in spite of recommendation made by the opposite party No.3 pursuant to order of this Court as well as Government guideline dated 1st December, 2016 ever after repeated request of the Petitioner.

P.T.O.

As it appears, the issue involved in this case is covered by earlier decision of this Court dated 19th April, 2019 passed in W.P.(C) No. 3728 of 2019.

Accordingly, opposite party No.5 is directed to refund the excess royalty to the Petitioner in obedience to recommendation of the Executive Engineer, Nayagarh (R&B) Division, Nayagarh vide letter dated 05.07.2019 under Annexure-5 within a period of four months from the date of receipt of a certified copy of this order.

With the aforesaid observation and direction, the writ petition is disposed of.”

3. Vide order dated 9th March, 2022, this Court issued notice to the Contemnors/Opposite Parties directing compliance report to be filed.

4. It is brought to the notice of this Court today by Mr. L. Samantaray, Additional Government Advocate for the Opposite Parties that pursuant to order dated 29th January, 2020 passed in the afore-noted writ petition, the Tahasildar(s), Nayagarh has accorded refund of Rs.23,03,765/- to the Petitioner namely P.K. Mohanty, Super Class Contractor towards excess realization of royalty and transferred the said amount directly to the account of the Petitioner, and thereby fully complied with the directions.

5. Mr. Prabodh Ch. Nayak, counsel for the Petitioner conceded to the above fact and stated to have no objection, if the contempt is disposed of an infructuous.

6. Accordingly contempt is dropped and the contempt petition is disposed of.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge



Laxmikant

April 4 , 2022
Cuttack