

(2023) 03 OHC CK 0101
In the Orissa High Court
Case No : CONTC No.1965 Of 2022

Abhiram Rout

APPELLANT

Vs

Rashmirekha Amanta, Exe. Officer, Talcher Municipality

RESPONDENT

Date of Decision : 15-03-2023

Acts Referred:

Citation : (2023) 03 OHC CK 0101

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : P. S. Nayak, P. K. Panda

Judgement

Arindam Sinha, J

1. Mr. Nayak, learned advocate appears on behalf of applicant and submits, there has been wilful and deliberate violation of directions made in order dated 11th January, 2022, disposing of his client's writ petition. The direction paragraph 7, is reproduced below.

"7. The writ petition succeeds. Opposite party is directed to forthwith construct shop room no.59 at Hatatota Market Complex and hand over same to petitioner within six weeks from communication of this order. Final allotment is to be made on handing over the shop room. Petitioner thereupon will pay the rent."

2. Mr. Panda, learned advocate appears on behalf of alleged contemner and submits, I.A. no.3036 of 2022 has been filed in the writ petition. Paragraph 4 from the I.A. is extracted and reproduced below.

"4. That in this context, it is humbly submitted here that the present opposite party is duty bound to comply with the direction of this Hon'ble Court in its letter and spirit, but due to the situations and circumstances aforesaid the opposite parties appeals before this Hon'ble Court that the municipality is ready and willing to hand over another room of same size at same price at same price in another market complex situated at same location i.e. Hatatota which is only 100

mtrs away from the present market complex and the opposite party hopes that there will be no problem for the petitioner to carry on his business over the newly constructed market complex.”

On query from Court Mr. Nayak submits, construction at the new market complex is incomplete. Furthermore, his client believes there is litigation. Even then, in event a similarly located shop room in the market complex, on same terms, is allotted to his client and possession delivered, his client will accept the same. Mr. Panda submits, there will be compliance accordingly.

3. Awaiting compliance, hearing of the contempt application is adjourned.

4. List after four weeks on 12th April, 2023, as prayed for by Mr. Panda. Time as asked for has been granted in expectation of complete compliance, including execution of documents.

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