

(2018) 05 CHH CK 0145
In the Chhattisgarh High Court
Case No : CONT No. 492 Of 2018

Anuara Begum

APPELLANT

Vs

A. L. Chouhan The Commissioner, And Ors

RESPONDENT

Date of Decision : 16-05-2018

Acts Referred:

Citation : (2018) 05 CHH CK 0145

Hon'ble Judges : Manindra Mohan Shrivastava, J

Bench : Single Bench

Advocate : P. Chetan Kumar

Judgement

Manindra Mohan Shrivastava, J

1. This contempt petition has been filed by the petitioner alleging willful disobedience of order dated 31/03/2016 passed by this Court in WPC No.492/2018.

2. Learned counsel for the petitioner submits that a writ petition was filed by the petitioner aggrieved by non-delivery of possession despite the petitioner having paid premium amount and lease deed executed in his favour as back as on 24/07/2000. The petition was disposed off with a direction to examine the matter and if there is no order of any Court of law restraining the Corporation to hand over possession, it should proceed to grant possession to the petitioner.

3. The allegation is that despite the order passed by this Court, the petitioner has not been given possession. From the documents filed by the petitioner, it is revealed that on 27/06/2016, the Revenue Officer of the Corporation directed the subordinate officer to hand over the possession to the petitioner. On 26/09/2017, another memo was given to remain present for taking possession. A perusal of memo dated 27/03/2018 shows that the petitioner is raising objection that as there exists a tree, the same should be cut and removed and further that other three gumtees which have been constructed should be removed, then only possession should be given.

Whether the plot allotted to the petitioner has been encroached is a disputed question of fact. Therefore, at this stage, no contempt proceedings can be drawn against the respondent authority because they are prepared to give possession on as it where it basis.

4. Petitioner's remedy would be to seek any other direction as may be required under the law in a separately constituted petition.