

(2010) 11 SHI CK 0348
In the High Court Of Himachal Pradesh
Case No : COPC No. 101 of 2009

Barang Sain and Another	Vs	APPELLANT
Smt. Priyanka Basu Ingty and Others		RESPONDENT

Date of Decision : 11-11-2010

Acts Referred:

Citation : (2010) 11 SHI CK 0348

Hon'ble Judges : R.B. Misra, J;Kuldip Singh, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

R.B. Misra, J.—The present contempt petition has been filed by the Petitioners, alleging that the interim order dated 27.4.2009 passed in CWP No. 1293 of 2009 has been violated, by the Respondents.

2. The grievance of the Petitioners is that in compliance to the interim order dated 27.4.2009 passed in CWP No. 1293 of 2009, the then Deputy Commissioner, Kinnaur (Respondent No. 1 e.g. Smt. Priyanka Basu Ingty) and State Geologist had visited the spot but submitted the erroneous report which was not in compliance to the interim order dated 27.4.2009, however subsequently CWP No. 1293 of 2009 alongwith other connected similar writ petitions were adjudicated and finally decided on 18.11.2009 by this Court(DB).

3. In final judgment dated 18.11.2009 passed in CWP No. 1293 of 2009, the interim order dated 27.4.2009 has also been considered, dealt with and after taking into consideration all the materials, pleadings, contentions of Petitioners and rival contentions of the parties and after hearing the parties at length, the writ petition (CWP No. 1293/09) was finally decided vide order dated 18.11.2009 with certain directions indicated therein. Since the report of Deputy Commissioner and State Geologist was in compliance to our order dated 27.4.2009 which has already been taken into consideration while deciding CWP No. 1293 of 2009 finally, as such interim order dated 27.4.2009 is merged into

the final order dated 18.11.2009. If the Petitioners were not satisfied with the report of the then Deputy Commissioner and State Geologist submitted in compliance to the interim order dated 27.4.2009, they were at liberty to highlight their grievances at the time of final hearing of the writ petition in question.

4. In compliance to interim order dated 27.4.2009, the then Deputy Commissioner (Respondent No. 1) alongwith State Geologist had already filed the desired report. Now, at this stage illegality of the report cannot be gone into when that report has already been considered while finally deciding the CWP No. 1293/09 and final verdict has already been passed on 18.11.2009. In these circumstances, in our considered view no contempt is made out against the Respondents in reference to interim order dated 27.4.2009. As such contempt proceedings are dropped against all the Respondents and the contempt petition is dismissed accordingly.