
(2021) 11 OHC CK 0006
In the Orissa High Court
Case No : CONTC No. 5171 Of 2021

Indumati Dei & Ors

APPELLANT

Vs

Swadha Dev Singh, IAS

RESPONDENT

Date of Decision : 01-11-2021

Acts Referred:

Contempt of Courts Act, 1971 — Section 20

Citation : (2021) 11 OHC CK 0006

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : B. K. Behera, S. Mishra

Final Decision : Disposed Of

Judgement

Arindam Sinha, J

1. Mr. Behera, learned advocate appears on behalf of petitioners-applicants and submits, his clients' land got submerged by the river. They had wanted compensation. On approach to this Court by earlier writ petition (W.P.(C) No.3319 of 2013) there was order dated 10th March, 2017 giving direction upon the Collector and District Magistrate, Nuapada to consider the inquiry report and take a decision to award compensation to applicants in accordance with law, within a period three months from that date. There was further direction for giving applicants reasonable opportunity of being heard. But that was also not done. Hence, application filed for contempt on willful and deliberate violation of said order by alleged contemner. Miss Mishra, learned advocate appears on behalf of alleged contemner and submits, the application is barred by limitation. Section 20 in Contempt of Courts Act, 1971 prescribes limitation of one year from date, on which contempt is alleged to have been committed.

2. On query from Court, Mr. Behera, submits, communication of the order to office of alleged contemner was under cover of letter dated 3rd March, 2017. Annexure-3 is a notice from the Tahasildar, Sinapali addressed to applicants

mentioning compensation of Rs.15,158/- can be collected. Applicants pursued with further representations dated 20th February, 2018, 15th December, 2018, 25th March, 2019, 17th December, 2019, 15th July, 2020 and lastly on 25th May, 2021. Mr. Behera, reiterates nothing has been done.

3. The Tahasildar issuing notice that compensation is payable cannot be said to be violation of said order. There appears to be persistent inaction by of office of alleged contemner, to have not done anything for compliance. Therefore a time has to be fixed regarding when alleged contempt was committed. Applicants have followed up with representations. The office will be heard whether these representations were received and if they were not respond to or no action taken pursuant thereto, the inaction might amount to contempt. In that context the plea of limitation will also be adjudicated

4. Applicants will serve copy of the application along with this order on alleged contemner. Affidavit of service is to be filed. Alleged contemner is required to be either represented or personally present on adjourned date for being heard.

5. List on 15th November, 2021.