



HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 124 of 2025

ABHAYRAM PATEL *versus* RAJESH SUKUMAR TOPPO

Order Sheet

27/01/2025	Dr. Sudeep Agrawal, counsel appears along with Ms. Apurva Nigam, counsel for the applicant. Mr. Anup Majumdar, counsel for the respondent No.4, as '<i>Vakalatnama</i>' has already been filed by him on behalf of respondent No.4. Mr. Keshav Prasad Gupta, counsel for respondent No.6, appears on instructions. Heard. Issue notice to the respondents No.1, 2, 3 & 5 as per rules, as to why contempt proceedings may not be initiated against them for their willful disobedience of the order of this Court dated 27.11.2024 passed in CONT No.1355/2024. Process Fee be paid within a week. Counsel appearing for respondent No.6 submits that he will file '<i>Vakalatnama</i>' on behalf of respondent No.6 till the next date of hearing. This Court has passed the following order in WP(C) No.5480/2022 vide order dated 12.12.2022 in paras 6 & 7:- <i>"6. Be that as it may, let the petitioners again approach the respondent No.3 or 4, as the case may be by way of a suitable representation within a period of 30 days seeking for interest from the date the actual possession was taken from the petitioners, till date the award was passed. Upon</i>



such representation being made, the respondent No.3 or 4, as the case may be shall take an appropriate decision strictly in accordance with law and also taking note of the judgment of the Supreme Court referred to in the preceding paragraph at the earliest preferably within a period of 90 days from the date of receipt of representation of the petitioners.

7. The writ petition accordingly stands disposed of.”

Since order was not complied with, therefore, contempt case bearing CONT No.1355/2024 was filed by the applicant. In that contempt case, advocate appearing for respondents had made contentions and filed communication, dated 17.10.2024 issued by the Sub Divisional Officer (Revenue)-cum-Land Acquisition Officer Dabhara, District Sakti (C.G.) addressed to the Executive Engineer, Water Resources Survey and Bairrage Construction Division No.1 Kharsia, District Raigarh (C.G.), wherein the computation chart has been prepared and Executive Engineer has been asked to make available amount of Rs.5,69,51,032/- so that the amount can be disbursed to the respective petitioners. Learned counsel had further seeks time of 45 days for disbursement of amount to the petitioner, pursuant to the computation chart dated 17.10.2024 prepared by SDO. Based on aforesaid contention, this Court has passed the following order in CONT No.1355/2024 dated 27.11.2024 in paras 5 & 6:-

“5. Considering the facts and circumstances of the case. Since the submission has been made by learned counsel for the respondents that they will make the payment within a period of 45 days from today, the contempt petition is disposed of with a direction to the respondents to comply the order of this Court within a period of 45 days from today. Rule is discharged.



6. However, it is made clear that if the amount is not disbursed within the specified time period, the petitioner would be at liberty to approach before this Court in an appropriate proceedings.”

Since order was not complied with by the respondent authorities within 45 days, therefore, applicant preferred the instant second contempt petition.

Learned counsel for the applicant would submit that despite undertaking given by the respondent authorities, compensation which is an interest part of the amount of award from the date of dispossession, has not been paid, therefore, contempt proceeding may be initiated.

Counsel appearing for respondent No.6 would submit that after calculation of the amount of award payable to the applicant and other petitioners, communication (Annexure-C/2) dated 17.10.2024 has been made by Sub Divisional Officer (Revenue)-cum-Land Acquisition Officer Dabhara to the Executive Engineer, Water Resources Department District Raigarh (C.G.), but said amount has not been deposited by the Water Resources Department till today.

In reply, counsel appearing for respondent No.4 would submit that though in compliance of Annexure-C/2 dated 17.10.2024, respondent No.4 has wrote a letter (Annexure-C/3) dated 07.11.2024 to the Superintending Engineer, Kelo Pariyojna Bandh Mandal Kharsia, District Raigarh (C.G.) for sanction of Rs.5,69,51,032/- in respect of the applicant and further Rs.14,72,46,387/- for other similarly situated persons, total Rs. 20,41,97,419/-. He further submits that though this letter has been written by respondent No.4 for sanction of the amount, but applicant has not been dispossessed from his land in question.

Having considered the aforesaid contentions of the



	counsel for the parties and further considering the documents, particularly Annexure-C/2 and Annexure-C/3, it seems that respondent officials are playing with the farmers. On one hand respondent No.6/Sub Divisional Officer (Revenue)-cum-Land Acquisition Officer Dabhara, District Sakti (C.G.) has written a letter (Annexure-C/2) to the Irrigation Department for depositing amount, which is to be paid to the applicant and supporting aforesaid letter, respondent No.4/Executive Engineer is also writing letter Annexure-C/3 to Superintending Engineer for sanction of the compensation amount not only payable to the applicant, but also to the other similarly situated land owners. And now, counsel appearing for respondent No.4 is submitting that applicant has not been dispossessed yet, this conduct of respondent No.4 & 6 seems to be not only highly unlawful, but also contains malice, which cannot be appreciated. If, applicant has not been dispossessed from his said land, then question arises that why respondents No.4 & 6 have made aforesaid communication and if, aforesaid letters written by them are false and illegal, then appropriate action is required to be taken against them by their superior officials, because on one hand statement has been made before this Court that they will disburse the amount of compensation and also wrote letters (Annexure-C/2 & Annexure-C/3), but now respondent No.6 is saying that applicant has not been dispossessed from the land in question. In view of above respondents No.2, 4 & 6 are directed to appear in person before this Court on the next date of hearing. List the case on 17.02.2025. Sd/- (Naresh Kumar Chandravanshi) Judge
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