



2026:CGHC:21697

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 138 of 2020

- Shree Engineers And Builder Private Limited Through The Director Abhay Tripathi S/o Shri Kripashankar Tripathi, Aged About 52 Years, R/o Panchamrit Bhawan, Baramhroad Ambikapur, District Surguja, Chhattisgarh. (Petitioner), District : Surguja (Ambikapur), Chhattisgarh

... **Petitioner**

versus

1. Sarans Mittal Collector, Ambikapur, District Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
2. Sanjeev Kumar Jha Collector, Ambikapur District Sarguja (C.G.)

... **Respondents**

For Petitioner	:	Mr. Abhinav Dubey, Advocate on behalf of Mr. Sunil Tripathi, Advocate
For Respondents	:	Ms. Apoorva Pandey, Advocate

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

08/05/2026

1. This contempt petition is filed alleging willful disobedience of the order dated 06.11.2019 passed in WPC No. 3939/2019.
2. Learned counsel for petitioner submits that even after passing of impugned order in favour of petitioner, respondent has raised construction over the subject land and therefore there is willful disobedience of the impugned order passed in favour of petitioner.
3. Learned counsel for respondent submits that in the interim order, there was no such order restraining the respondent therein from raising construction. The order is with regard to stay of effect and operation of the order impugned therein. She also pointed out that the order challenged in writ petition is the



order of Board of Revenue, whereby the Board of Revenue affirming the order of Collector and the Commissioner has directed for conducting separate enquiry. She further submits that the writ court vide order dated 13.04.2021 has clarified the scope of interim order passed in favour of petitioner therein and clarified that there was no restrain order on the construction and therefore the contempt proceeding may be closed.

4. Mr. Dubey, learned counsel for petitioner does not dispute the submission made by learned counsel for respondent with regard to the order dated 13.04.2021 passed by writ court observing that the interim order shall not be treated to be a stay on construction.
5. I have heard learned counsel for the respective parties and also perused copy of order dated 13.04.2021 placed before this Court by the respondent.
6. Interim order passed in writ petition on the application submitted by petitioner herein and petitioner in writ petition dated 06.11.2019, subject matter of contempt, is extracted below for ready reference:

“Considering the fact that the petitioner had purchased the property after due sanction and permission obtained from the Collector in the year 2012 and since then the petitioner is in peaceful possession of the property and also taking note of the fact that the original Owner of the property was one Chiman Ram and Kishore Kumar to had obtained the patta of the said land way back in the year 1985, prima facie a strong case for grant of interim relief has been made out. Accordingly, there shall be a stay of the effect and operation of the impugned order Annexure P/1, till the next date of hearing.”

7. From perusal of interim order which is subject matter of the contempt petition makes it clear that the interim order is with regard to stay of effect and operation of the order, subject matter of challenge in the writ petition ie., the order passed by Board of Revenue.
8. It is not a case of petitioner that the proceeding before the Board of Revenue is arising out of the application submitted by petitioner restraining the respondent-State from construction. The writ court *vide* order dated



13.04.2021 in WPC No. 3939/2019 while considering the submission of the State Government counsel has passed following order:

“The order dated 06.11.2019 would show that no stay has been granted on construction. It is only the order of Revenue Board dated 21.06.2019 has been stayed. Even no stay application has been filed to restrain the respondents to raise any superstructure. The photographs attached with this petition would show that substantial construction upto 4th floor has already been completed, that too in respect of different buildings which includes the interns hostel, junior resident hostel, college building, staff quarters etc. The photographs further show that some part of the building has already been completed. The nature of construction would also show that the said construction was carried out since past as the nature of level of construction depicts the same. Even otherwise no stay to the construction exists as on today.

Considering the photographs of the site, which are not in dispute and keeping in mind the larger public interest as also the balance of convenience and the irreparable loss, it is made clear that the order dated 06.11.2019 would not be deemed to be stay on construction and the respondents shall be entitled to carry out the construction and complete the building works of the medical college, staff quarters, junior resident hostels etc., which in the larger public interest”

9. In the order dated 13.04.2021, the writ court has clarified nature of interim order and its effect observing that the order dated 06.11.2019 would not be deemed to be stay on construction. This contempt petition is filed alleging wilful disobedience on the ground that the respondent-authority/ officials of the State Government has started raising construction over the land even after interim order of stay vide order dated 06.11.2019.
10. In the above facts and circumstances of the case, and the order passed by writ court dated 13.04.2021 clarifying that the interim order would not be deemed to be a stay on construction, in the opinion of this Court, the contempt petition filed is misconstrued and therefore contempt proceeding



initiated against respondents is dropped, notice issued to respondents is discharged and the contempt petition is accordingly closed.

Sd/-

(Parth Prateem Sahu)

JUDGE

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