



CGHC010239922022



2026:CGHC:30117

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 748 of 2022

Pd. Chhitani Prashad Mitani Prashad Dubey Dharmada Trust Bilaspur Chhattisgarh Chhattisgarh Through Its President Mahesh Dubey S/o Shri Prayag Dubey Aged About 53 Years, R/o God Para Police Station City Kotwali, Bilaspur District Bilaspur (C.G.)

... Petitioner

versus

1 - Alarmelmangai D. The Secretary, Urban Develop Department Mantralay Naya Raipur Distt. Raipur (C.G.)

2 - Shri Ajay Kumar Tripathi Commissioner Municipal Corporation Bilaspur Distt. Bilaspur (C.G.)

... Respondents

For Petitioner	:	Mr. Pawan Kesharwani, Advocate
For Respondents	:	Mr. Prafulla Bharat, Senior Advocate assisted by Mr. Keshav Dewangan, Advocate

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

15.07.2026

- Petitioner has filed this contempt petition alleging willful disobedience of the order dated 07.01.2019 passed in writ petition bearing WPC No. 1603 of 2017 (Annexure C-1).

2. Learned counsel for the petitioner submits that when officials of Municipal Corporation, Bilaspur along with other officials of State Government came on spot for demolition of the super structure construction over the land, subject matter of the petition on 07.01.2019 the writ Court has recorded in the order sheet granting interim relief in favor of petitioner stating that there shall not be any further demolition and the parties shall maintain status quo as it exist today in respect of subject land. However, during the existence of interim order passed by the writ Court, respondents have started raising construction and thereby there is a willful disobedience on the part of respondents.
3. Learned counsel for the respondent no. 1 would submit that the contempt petition is barred by limitation. This contempt petition is filed on 20th of July, 2022 mentioning willful disobedience of the order dated 07.01.2019 which is after a lapse of more than 3.5 years from the date of order, mentioning that the applicant/petitioner came to know about the disobedience of the order only in the month of March, 2022 of starting construction of Pumping Station. He submits that after passing of order on 07.01.2019 there was no demolition activity of any other super structure. So far as the second portion of the order is concerned, there is some miscommunication of the order dated 07.01.2019 and the authorities have understood the interim order only of no further demolition of subject land. The order of status-quo is not brought to the knowledge of respondent no. 1.
4. He further submits that the construction being made by the agency who has been given contract of construction of pumping station i.e. Mars Planning and Engineering Services Private Limited. After receipt of the notice of contempt petition the non-applicant no. 2 directed to stop any

construction if going on and, thereafter, on 30.09.2022 Municipal Corporation, Bilaspur to Simplex Infrastructures Limited as well as the agency to immediately stop the construction until further orders. Copy of the letter dated 30.09.2022 is enclosed herewith. He also submits that in the facts of the case as the respondent no. 1 was not aware of the Interim order of maintaining status- quo, because it is not brought to his notice, there was no willful disobedience of the order on the part of respondent no. 1.

5. Learned counsel for respondent no 2/contemnor no. 2 made similar submissions as made for respondent no. 1/contemnor no. 1. It is also further submitted that the respondent no. 2 was transferred on 03.10.2022 from the post of Commissioner, Municipal Corporation, Bilaspur to Commissioner, Municipal Corporation, Bhilai, Charoda. He further submits that on the date of passing of order dated 07.01.2019, respondent no. 2/contemnor no. 2 was not posted in the office of Commissioner, Municipal Corporation, Bilaspur but he joined the post of Commissioner, Municipal Corporation, Bilaspur in the year 2021 which is also mentioned by petitioner in para no. 5 of his additional affidavit.
6. Heard learned counsel for the respective parties and perused the documents placed along with the contempt petition as also the reply.
7. Upon considering the submission made by learned counsel for the respondent no. 1 and 2 that the contemnors were not aware of the order of status quo passed in writ petition, when question is posed to learned counsel for petitioner, as to whether the petitioner himself has submitted copy of the order passed in writ petition before the respondent no. 1 and 2, or through agent, it was argued by learned counsel for the petitioner that there is no such document available in the contempt petition

showing that the copy of order dated 07.01.2019 was served upon them as also there is no such pleadings. However, he submitted that as the interim order is by party order and the counsel representing the State as also corporation were present, it will be presumed that counsel representing the State and the corporation would have intimated about the order dated 07.01.2019 passed in the writ petition.

8. In this contempt petition there is no specific pleadings made by learned counsel for the petitioner as to when the construction was started. In the additional affidavit filed on 15.07.2026 petitioner himself has made a statement that the respondent no. 2/contemnor no. 2 has taken charge as Commissioner, Municipal Corporation, Bilaspur on 02.03.2021. There is no mention of specific date, when the construction was started. On the date of passing of the order dated 07.01.2019, the contemnor no. 2 was not posted, and further stand is taken by respondent no. 2 that he was not aware of the second part of the interim order of status – quo. In absence of any proof that the copy of the order passed in writ petition is brought to his notice, in the opinion of this Court it could not be said that there is any willful and deliberate disobedience of order passed in the writ petition dated 07.01.2019.
9. According to respondent no. 1 he has been impleaded as the Secretary, Urban Develop Department Mantralay Naya Raipur, District Raipur (C.G.). There is no specific pleading as to how the contemnor no. 1 is directly connected with the action of starting construction of work. In Annexure R/2/1 which is the report submitted by MaRS Planning & Engineering Services Pvt. Ltd the site was handed over on 03.01.2019 along with structural lay out by Municipal Corporation, Bilaspur.

10. Petitioner is resident of Gond Para, Bilaspur which is just near the vicinity where the alleged construction of pumping house was started. The defense taken by contemnors is one of the plausible defense taken by them. Petitioner who is resident of Bilaspur even had not placed the order passed in writ petition, subject matter of contempt case, in the office of Municipal Corporation or served it by any mode either by any person or through the post or forwarded to the office of respondent no. 1. The respondents/contemnors have further tender unconditional apologies.
11. In case of **Ashok Paper Kamgar Union V. Dharam Godha and Others** reported in **(2003) 11 SCC 1**, Hon'ble Supreme Court has considered the concept of willful disobedience of order of the Court in which it is observed that willful means an act or omission which is done voluntarily and with the specific intent to do something the law forbids or with the specific intent or fail to do something the law to be done, that is to say, with bad purpose either to disobey or to disregard the law.
12. In case of **Kapildeo Prasad Sah V. State of Bihar** reported in **(1999) 7 SCC 569** Hon'ble Supreme Court has observed that for holding person to have committed contempt, it must be shown that there was willful disobedience of the judgment or order of the Court. It is further observed that issuance of notice for contempt of court and power to punish are having far-reaching consequences, and as such, they should be resorted to only when a clear case of willful disobedience of the Court's order is made out. It is for the petitioner who complains a breach of Court's order must allege deliberate or contumacious disobedience of the Court's order.

13. In the case at hand, the petitioner is though resident of Bilaspur, C.G. had not submitted the copy of the order passed in the writ petition of which it is alleged to have disobeyed by the contemnors in their office. In absence of proof of placing the copy of the order in office of contemnors the defense taken by the respondents that they were not informed about the second part of the order of maintaining status quo appears to be one of plausible defence. As of now, entire construction activity is stopped. In the above facts of the case in the opinion of this Court, starting of some construction cannot be said to be willful deliberate disobedience or intentional act on the part of the contemnors.
14. For the forgoing reasons and considering the unconditional apology tendered by contemnors, I do not find any good ground to continue with the contempt petition any further. The contempt petition initiated against the respondents/contemnors is hereby **dropped**.
15. Notices discharged.
16. Accordingly, the contempt petition is **closed**.

Certified copy as per rules.

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(Parth Prateem Sahu)

JUDGE