



IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC. No.5856 of 2025

Debasmita Pahi

.....

Petitioner

Represented by Adv. –
M/s. D. Mohanty

-versus-

Archana Gauda,
Sub-Registrar, Khandagiri

.....

Opposite
Party/Contemnor

Represented by Adv. –
Mr. G. Mohanty,
Standing Counsel

CORAM:
MR. JUSTICE ANANDA CHANDRA BEHERA

ORDER
24.04.2026

Order No.

06. 1. This matter is taken up through hybrid mode.
2. Learned counsel for the Petitioner and learned Standing Counsel for the alleged contemnor are present.
3. As per the Order No.5 dated 07.04.2026, the Petitioner was directed to file requisites for issuance of notice to the Opposite Party-Contemnor through Speed Post with A.D within seven days and accordingly, in pursuance of such notice, the alleged contemnor had filed show cause on dated 21.04.2026.
4. In that show cause, it has been stated on behalf of the contemnor i.e. the Sub-Registrar, Khandagiri that, there is no wilful or deliberate violation or disobedience of the direction made by this Court in the judgment dated 14.11.2025 passed in WP(C) No.28988 of 2025 by her. A Writ Appeal has already been filed vide W.A No.289 of 2026 before the High Court challenging the aforesaid judgment dated 14.11.2025 passed in WP(C) No.28988 of 2025, for



which, the direction given in the judgment dated 14.11.2025 passed in WP(C) No.28988 of 2025 has not been complied with due to the pendency of the aforesaid Writ Appeal vide W.A No.289 of 2026 for adjudication.

5. It is the settled propositions of law that, mere filing of a Writ Appeal shall not operate as a stay of the order/direction made in the judgment dated 14.11.2025 passed in WP(C) No.28988 of 2025 unless stay of the operation of the order/direction is passed by the appellate court.

6. The Apex Court has already clarified in the ratio of the decision between **Tata Mohan Rao vrs. S. Venkateswarlu and others decided on 09.05.2025 reported in 2025 Vol.4 Civil Law Judgments (SC) 297** that,

when direction made in a judgment like the judgment dated 14.11.2025 passed in WP(C) No.28988 of 2025 is neither set aside nor the same is held as against law, then, nobody like the Contemnor (Sub-Registrar, Khandagiri) should be permitted to disobey the Court's direction i.e. the direction made in the judgment dated 14.11.2025 passed in WP(C) No.28988 of 2025.

7. As, the judgment dated 14.11.2025 passed in WP(C) No.28988 of 2025 has neither been stayed nor the same has been reversed, varied or set aside, then, at this juncture in view of the guidelines formulated by the Apex Court in the ratio of the above decision between **Tata Mohan Rao vrs. S. Venkateswarlu and others**, the show cause dated 21.04.2026 submitted by the contemnor (Sub-Registrar, Khandagiri) on the ground of mere filing of Writ Appeal vide W.A No.289 of 2026 is not accepted.

8. Therefore, notice be issued by the Registry to the alleged contemnor i.e. Sub-Registrar, Khandagiri to appear and file show



cause in person on 05.05.2026, why the contempt petition filed against her by the Petitioner for violation of the judgment dated 14.11.2025 passed in WP(C) No.28988 of 2025 shall not be allowed.

9. List this Contempt Petition for hearing and orders on 05.05.2026.

(ANANDA CHANDRA BEHERA)
Judge

Pradeep

Signature Not Verified

Digitally Signed
Signed by: PRADEEP KUMAR SWAIN
Reason: Authentication
Location: Orissa High Court, Cuttack
Date: 24-Apr-2026 14:59:18