

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CONTEMPT PETITION (C) NO. 221 OF 2013 IN SLP(C) 13252/2010

DILIP Petitioner(s)

VERSUS

RUDRA PRATAP SINGH Respondent(s)

(With appln(s) for exemption from filing O.T. and office report)

Date: 24/09/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s) Mr. Dinesh Kumar Garg, Adv.

For Respondent(s) Mr. Pallav Shishodia, Sr. Adv.
Mr. Vishwajit Singh, Adv.
Mr. Abhindra Maheshwari, Adv.
Mr. Pankaj Singh, Adv.

UPON hearing counsel the Court made the following
O R D E R

In last few years, this Court and the High Courts across the country have been flooded with petitions filed under Article 129 or Article 215 read with the Contempt of Courts Act, 1971 with complaint by the successful litigants of deliberate disobedience of the orders and directions passed by the Courts.

U.P. Avas Evam Vikas Parishad acquired the land of the predecessor of the petitioner. The preliminary notification was issued in 1980 and declaration was issued on 12.2.1983. The Special Land Acquisition Officer passed award dated 22.9.1986 whereby he fixed market value of the land at the rate of Rs.9.68 per square yard. The landowner sought reference under Section 18 of the Land Acquisition Act, 1894. After considering the evidence produced by the parties, the Reference Court determined the amount of compensation at the rate of Rs.100/- per square yard and directed the acquiring authority to pay the compensation with consequential benefits.

The appeal filed by U.P.Avas Evam Vikas Parishad was dismissed by the High Court. The same was the fate of the special leave petition which was dismissed on 14.9.2012. The penultimate paragraph of that order reads as under:

"The petitioner is directed to pay the balance amount of compensation to the respondents within a period of three months from today along with all the statutory benefits payable to them in terms of the awards passed by the Reference court by getting demand drafts prepared in their names/the names of their legal representatives."

Despite the unequivocal direction given by the Court for payment of compensation to the landowner within three months with all statutory benefits in terms of the award passed by the Reference Court by getting demand drafts prepared in their names/the names of their legal representatives of the deceased landowner, the officers of U.P. Avas Evam Vikas Parishad have failed to make the payment and innovated all possible excuses including the taking of advice from the Chief Legal Adviser by the Executive Engineer and the alleged dispute between the legal representatives of the deceased landowner to avoid compliance of the mandate of the Court's order.

We have perused the explanation given by the non-petitioner and are not at all satisfied with the same. In our view, the respondent is guilty of willful non-compliance of the direction given by the Court. In other words, he is guilty of committing contempt of Court.

Let the non-petitioner file his affidavit within seven days and show cause as to why he should not be punished for deliberate non-compliance of the direction contained in this Court's order dated 14.09.2012.

List the case on 1.10.2013, on which date the non-petitioner shall remain present in the Court.

| (Parveen Kr.Chawla)
| Court Master
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| | (Phoolan Wati Arora)
| | Court Master
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