

ITEM NO.2 Court 16 (Video Conferencing)

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CONMT.PET.(C) No. 139/2022 in SLP(C) No. 13767/2019

BUTA PADHAN & ORS.

Petitioner(s)

VERSUS

JIBARDHAN SA & ORS.

Respondent(s)

(FOR ADMISSION)

Date : 28-03-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Ms. Renuka Sahu, AOR
Mr. Batakrisna Behera, Adv.

For Respondent(s)

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

By order dated 04.07.2019, while issuing notice in the special leave petition, this Court directed that the status existing as on 04.07.2019, shall be maintained till the next date of hearing. We clarify that the said direction continues. We expect the parties to abide by the interim order. In case any party violates the order, it will be open to the other side to file an appropriate application.

We have examined the assertions made in the contempt petition and also perused the photographs and the letter dated 19.10.2019. At this stage we are not inclined to issue notice to show cause to the non-applicants as the photographs indicate that the construction is old and not recent. However, in case any fresh construction, physical or possessory changes are made, it will be open to the parties to file a fresh application.

We are constrained to observe that the Sub-Divisional Magistrate should not have invoked the provisions of Section 144 of the Code of Criminal Procedure, 1973, when the matter is pending before this Court i.e., the Civil Court. In case a party has a grievance, he should approach this Court by way of an appropriate application.

In light of the above observations, the Sub-Divisional Magistrate will pass appropriate orders closing the proceedings.

Recording the aforesaid, the contempt petition is dismissed.

Pending application(s), if any, shall stand disposed of.

(SONIA BHASIN)
COURT MASTER (SH)

(DIPTI KHURANA)
COURT MASTER (NSH)