

Cont. Cas (C) No. 10 of 2018
In WP(C) No. 240 of 2014
WP(C) No. 51 of 2015

Date of order: 28.09.2018

Smti. Synod Liting & Ors. Vs. Smt. Persara Maners & Ors.

Coram:

Hon'ble Mr. Justice Mohammad Yaqoob Mir, Chief Justice

Appearance:

For the Petitioner/Appellant(s) : Mr. J. Tigga, Adv.
Vice Mr. S. Chakrawarty, Sr. Adv.
For the Respondent(s) : Mr. K.P. Bhattacharjee, Adv.

i)	Whether approved for reporting in Law journals etc.:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

Oral:-

1. By the instant motion, petitioners have sought initiation contempt proceedings against the respondents for having violated the judgment of this Court dated 17.06.2015 rendered in WP(C) No. 51 of 2015 and WP(C) No. 240 of 2014.

2. Both the petitions were disposed of vide order dated 17.06.2015 while taking note of paragraph 7 of the affidavit as was filed in WP(C) No. 240 of 2014 it was observed as under:

“Since the respondents filed an affidavit and assured that, they are not going to evict the petitioners forcefully, but will abide by the process of law, I think there is nothing more to direct. Now, so far as the compensation and damage is concerned, let the Deputy Commissioner, West Jaintia Hills District conduct an enquiry whether there was any damage of betel nuts and broom sticks of the petitioners by the respondents No. 5, 6 and 7 and to make an assessment of the loss if any and to submit a report to the trial court below. While conducting the said enquiry, the Deputy Commissioner, West Jaintia Hills District must clarify who is responsible for the damages if, any. Similarly, the Superintendent of Police, West Jaintia

Hills District is also directed if any FIR is filed, that to be dealt with impartially in accordance with law.”

“The learned counsel for both the parties agreed with the observation made by this court. Accordingly, the instant WP(C) No. 50 of 2015 and WP(C) No. 240 of 2014 stand disposed of by this common order with further direction that, nobody should be evicted forcefully without following the due process of law.”

“With this observation and direction these instant writ petitions stands disposed of.” “

3. In the instant motion as laid, it is stated that the respondents are trying to evict the petitioners which amounts to disobedience of the said judgment dated 17.06.2015. The respondents have filed their detailed affidavit stating therein that they are the owners of the landed property known as ‘Ka Dieng Sohpiang Krai Umsong’ situated at Under Elaka, West Jaintia Hills District which they inherited from their ancestors. Regarding the land which is in possession by the petitioners, the respondents have instituted a suit for ejectment which is pending before the subordinate District Council Court at Jowai bearing T.S. No. 18 of 2013. The respondents had demanded initially rent from the petitioners, in order to avoid the same they have projected the theory of eviction. It is further stated in the reply as under, *the answering respondent reiterate and reassure before this Court that the land which had already been allotted shall never be given to any other person/persons and the same is still under the occupation and cultivation of the petitioners although they never pay the rent. Then, it is again stated the instant contempt petition has been filed just to harass and frustrate the early disposal of the eviction suit T.S. No. 13 of 2018 pending before the subordinate District Council Court, Jowai.* The respondents have availed the remedy for eviction by filing a regular suit. There is no question of attempt for eviction otherwise in due course of law, same is the mandate of the judgment i.e., the petitioners are not to be evicted unless in due course of law.

4. From the positive and clear stand of the respondents, it appears that the laying of this motion to initiate contempt proceedings is aimed at

prolonging the trial of the ejectment suit registered as T.S. No. 18 of 2013 which otherwise is now pending for more than four years . From the clear stand of the respondents there is no question of disobedience of the judgment so as to warrant continuation of the contempt proceedings and any action thereof. Petition deserves to be dismissed with costs, taking a lenient view, no order is to costs.

5. Dismissed as above.

(Mohammad Yaqoob Mir)
Chief Justice

Meghalaya
28.09.2018
"Sylvana PS"

