

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cont. Case (Civil) No. 154 of 2020

Dilip Kumar Choudhary, (Aged about 55 yrs) S/O Late Motilal Choudhery, Resident of Biska Toli, Dhurwamore, Bundu, P.O. & P.S. Bundu, District – Ranchi, State – Jharkhand.

... .. **Petitioner**

Versus

1. The State of Jharkhand
2. Mr. A.K.Sinha, S/O Not Known, The General Manager Cum Project Director, Project Implementation Unit, National Highways Authority of India, C-168, Road No.4, Ashok Nagar, P.O. & P.S. Doranda, District – Ranchi, State-Jharkhand.

... .. **Opposite Parties**

CORAM : HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner : Mr. Birendra Burman, Advocate
For the O.P. No.1 : Mrs. Neelam Tiwary, Sr. S.C.-II
For the O.P. No.2 : Mrs. Sweety Topno, Advocate

Order No. 04 : Dated 26th February, 2021

The matter has been taken up through video conferencing.

This contempt application is for willful and deliberate non-compliance of the order dated 25.10.2019 passed in W.P.(C) No. 4532 of 2019 whereby and whereunder following direction was passed :-

“In view thereof, the writ petition is being disposed of without entering into the merit of the claim of the petitioner as also with the consent of the parties by directing the petitioner to appear before the National Highway Authority on 08.11.2019 by giving therein the relevant documents along with the representation.

The competent authority of the National Highway shall remeasure the land within the period of one week from the date of appearance.

Accordingly, the writ petition stands disposed of.”

Show cause has been filed by the opposite party-State on 05.02.2021 wherein the measurement done by Amin has been appended to.

Mrs. Neelam Tiwary, Sr. S.C.-II, appearing for the opposite party-State and Mrs. Sweety Topno, learned counsel appearing for the opposite party-NHAI, have jointly submits that the order passed by the writ court has been complied with.

Mr. Birendra Burman, learned counsel appearing for the petitioner, has submitted by referring to the measurement done by the Amin that there is no signature of any local villagers and as per their statements, measurement has been done without demarcating the land of the petitioner, therefore, while disposing of the contempt application, liberty may be granted to the petitioner to assail the said order before the appropriate forum.

Having heard the learned counsel for the parties and taking into consideration the nature of the order as also the measurement conducted by the Amin, this Court is of the view that the order passed by this Court has already been complied with, therefore, there is no need to proceed further with this contempt petition.

Accordingly, the contempt application is dismissed.

If the writ petitioner is still aggrieved with the said order, he is at liberty to assail the same before the appropriate authority/forum/court of law.

(Sujit Narayan Prasad, J.)