

(2014) 02 JH CK 0025

Jharkhand High Court

Case No: Cont. Case (Civil) No. 619 of 2012

Sukhlal

APPELLANT

Vs

The State of Jharkhand and
Others

RESPONDENT

Date of Decision: Feb. 17, 2014

Hon'ble Judges: R. Banumathi, C.J; S. Chandrashekhar, J

Bench: Division Bench

Advocate: Shobhakar Mishra, Advocate for the Appellant; Bhawesh Kumar, Advocate for the Respondent

Judgement

1. The W.P. (PIL) No. 58 of 2010 was disposed of vide order dated 07.09.2010. The order dated 07.09.2010 reads as under:

Heard learned counsel for the parties. The learned counsel appearing for the Mineral Area Development Authority (M.A.D.A.) submits that if there is any infringement as alleged in the petition, the authorities will act in accordance with law under Sections 36 and 37 of the M.A.D.A. Act.

On being assured by the learned counsel for the MADA, this Court feels that appropriate action will be taken by the authorities and the petitioner will approach with fresh representation. In case, the representation is not considered in its right perspective, petitioner may approach this Court.

With these observations, this petition is disposed of.

2. Alleging willful disobedience of the above order dated 07.09.2010 and that the authority has not passed the order, the petitioner has already filed Contempt Petition being, Contempt Case (Civil) No. 606 of 2011. The said contempt petition was disposed of vide order dated 16.03.2012 observing as under:

If the Managing Director, MADA was not available on that day even also it makes no difference because he has to discharge many duties and, therefore, we now direct

the authority concerned to decide the matter expeditiously preferably within a period of four weeks from today. In case decision is taken against the writ petitioner, he will be communicated and the petitioner will be free to challenge that order in accordance with law.

With the observation and direction, this contempt petition is disposed of and the notices are discharged.

Copy of this order be given to learned counsel for the parties.

3. Alleging that the order passed in Contempt case (Civil) No. 606 of 2011 dated 16.03.2012 has not been complied with, the petitioner has again filed second contempt petition.

4. We have heard Mr. Shobhakar Mishra, learned counsel appearing for the petitioner and Mr. Bhawesh Kumar, learned counsel appearing for the respondents. The learned counsel appearing for the respondents has submitted that in compliance with the order dated 16.03.2012, the authorities have passed the order on 17.09.2012 vide Annexure-B filed along with show-cause reply. Since, in compliance with the order dated 16.03.2012, the authorities have passed the order, this contempt petition is disposed of and we do not find any willful disobedience of the order of the Court dated 16.03.2012 and this contempt petition is closed. As per the earlier order dated 16.03.2012, liberty is reserved with the petitioner to work out the remedy in accordance with law.