

Pramod Agarwal Vs. Mining Area Development Authority and ors

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Court : Jharkhand

Decided On : Apr-15-2013

Appellant : Pramod Agarwal

Respondent : Mining Area Development Authority and ors

Judgement :

INTHEHIGHCOURTOFJHARKHANDATRANCHI Cont.Case(Civil)No.55of2013

PramodAgarwal . Petitioner Versus

1.KrishnaKishore,theChairmancumManagingDirectorof
MineralAreaDevelopmentAuthority,Dhanbad 2.StateofJharkhand

OppositeParties CORAM: HONBLEMR.JUSTICED.N.PATEL ForthePetitioner

:Mr.Shailesh,Advocate ForOppositePartyNo.1 :Mr.BhaweshKumar,Advocate

FortheState :J.C.toG.A. 03/Dated:15 th April,2013 1.

Learnedcounselappearingforthepetitionersubmittedthattheplans for the construction of residential unit was placed before the opposite partiesintheyear2011andfornojustifiablereason,theoppositeparties haveremaineddormantandsilent,despitetheorderpassedbythisCourt inearlierwritpetitionbeingW.P.(C)No.3864of2012dated15thOctober, 2012.

2. Learnedcounselforoppositepartyno.1submittedthatadetailed counteraffidavithasbeenfiledandtheplanshavenowbeensanctioned, today. It is also submitted that opposite party no. 1 has tendered unconditionalapologyinparagraph1andinsubsequentparagraphs.

3. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that the opposite parties have deliberately committed breach of the order passed by this Court. The maps which were represented by the original petitioner in the year 2011 for the construction of the dwelling unit were neither approved nor disapproved and, therefore, the W.P.(C) No. 3864 of 2012 was preferred by this applicant. This Court passed an order dated 15th October, 2012 that the decision must be taken by the respondents, in accordance with law within a period of four weeks. No such decision has been taken, as per the direction of this Court and this applicant has no option, but to file this contempt application. The memo of this contempt application was also served upon the learned counsel for the opposite parties on 17th January, 2013, but, opposite party no. 1 has not complied with the order passed by this Court in the earlier writ petition. In fact, there is huge price escalation which will have to be borne by the petitioner, unnecessarily, which may run into few hundred thousands, but, as the counsel for opposite party no. 1 is saying that this will not be repeated, at this time, this Court is not taking action against opposite party no. 1 under the Contempt of Courts Act. 2

4. In view of the aforesaid facts, this contempt application is, hereby, disposed of as the order is now complied with at much belated stage. Such type of attitude of opposite party no. 1 should be avoided so that citizens may not have to come to this Court, again and again. (D.N. Patel, J.) Ajay

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