

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 21030 of 2023**

***Pravat Kumar Padhi and Others*** ... ***Petitioners***  
Petitioner No.1 in person

*-versus-*

***State of Odisha and Others*** ... ***Opposite Parties***  
Mr. Debakanta Mohanty, Addl. Govt. Advocate  
Mr. Shivsankar Mohanty, Advocate (Intervener)

**CORAM:**

**ACTING CHIEF JUSTICE DR. B.R. SARANGI**

**MR. JUSTICE MURAHARI SRI RAMAN**

**ORDER**

**19.10.2023**

**Order No.**

04.

1. Heard Mr. Pravat Kumar Padhi (Petitioner No.1) in person, Mr. Debakanta Mohanty, learned Additional Government Advocate for the State and Mr. Shivsankar Mohanty, learned counsel appearing for the Intervener.

2. The Petitioners have filed this petition in the nature of Public Interest Litigation (PIL) seeking the following reliefs:

“(i) Command/direct the Authorities (Opposite Party No.3 to 5 to select alternate site for the need which the FORM-1A was submitted.

(ii) Command/direct the Authorities (Opposite Party No.3 to 5) to desist themselves from making any construction over the land in question.

(iii) Command/direct that the decision taken in De-reservation Case No.01 of 2020 by the Collector, Puri and confirmed by RDC (CD), Cuttack as well as the decisions of Alienation Case No.01 of 2021 and 03 of 2021 as void abinitio being contrary to

the provisions of law and the interest of public at large.”

3. This case has got a checkered history in view of the fact that to cater to the need of people and litigants at large of Deuli Tahasil of Gop in the District of Puri and the villages of Kakatpur Tahasil coming under Konark Police Station, a decision was taken vide Notification dated 12.11.2014 issued by the Department of Law, Government of Odisha to establish a Court of Civil Judge (Junior Division) at Konark with sitting of the court at Konark. For establishment of such court, the Collector, Puri and the Tahasildar, Gop had taken steps for grant of allotment of land basing on the application filed by the District Judge, Puri dated 11.05.2015. For allotment of land by the State, since certain disputes were there, the same could not be implemented. As there was enormous delay in allotment of the land for the court complex, the Konark Bar Association filed W.P.(C) (PIL) No. 27998 of 2020 for issuance of a direction to the Government for quick settlement of the land for establishment of the court at Konark as the litigants at large are suffering. The said writ petition was disposed of by this Court vide order dated 03.11.2020 directing the State authority to provide the land for construction of the court building at Konark.

4. Since there is non-compliance of the direction of this Court dated 03.11.2020, CONTC No.1362 of 2021 was filed, which was also disposed of vide order dated 24.02.2021 as the Government initiated the process for allotment of the land for establishment of court at Konark. It is needless to mention that before allotment of the said land, all the required procedures for demarcation, de-

reservation and alienation of the land were followed and finally the land was allotted in favour of the Law Department, Government of Odisha for construction of the court building of Konark. After taking over the possession of the land, necessary steps and formalities were followed to start the construction work and the process is continuing, which is at the final stage.

5. It is brought to the notice of the Court that during the de-reservation and alienation proceeding, which was continuing before the authority, these Petitioners in this PIL petition had neither raised any objection nor challenged the said de-reservation proceeding at any point of time before the appropriate forum. Rather, some of the villagers had responded to the de-reservation notice and agreed for settlement of the land for establishment of the court by putting their signatures consenting to proceed with the matter for such alienation process. But, surprisingly after the construction work started, the petitioners approached this Court by filing W.P.(C) No.33774 of 2021 challenging the alienation process, which was disposed of by this Court vide dated 06.02.2023 directing the Tahasildar to consider the representation filed by the Petitioners. The Tahasildar, Gop in compliance to the order passed by this Court considered the representation and after hearing the petitioners and other concerned rejected the same by mentioning that the alienation of the land has been done by following all due process of law. Challenging the said order of the Tahasildar, Gop, the Petitioners again filed W.P.(C) No.10809 of 2023, wherein this Court vide order dated 17.05.2023 disposed of the said writ petition setting aside the order passed by the

Tahasildar holding that the order being not a reasoned one, there is no requirement for adding the applicants-interveners and the direction was given to the Tahasildar to hear all concerned again and pass fresh reasoned order which shall be done within a period of six weeks from the date of communication. In compliance thereof, the Tahasildar heard these Petitioners and all interested parties and passed the final order. But, during the pendency of the proceeding before the Tahasildar, these Petitioners filed a contempt petition bearing CONTC No.3843 of 2023 before this Court for non-compliance of the order. However, after hearing the parties and considering the fact that the order had been complied with, the said contempt petition was disposed of by this Court passing a reasoned order on 17.07.2023 which reads as follows:

“2. Heard Mr. Suryakanta Dash, learned counsel for the petitioners and Mr. S. Kanungo, learned Addl. Government Advocate appearing for the State-opposite parties.

3. The petitioners have filed this application alleging noncompliance of the order dated 17.05.2023 passed in W.P.(C) No. 10809 of 2023, the effective part of which runs as follows:-

*“7. Impugned order is set aside and quashed. In circumstances of impugned order not bearing reasons, there is no requirement for adding applicant-intervener. We reiterate the directions in said order dated 6th February, 2023 (supra), for the Tahasildar to hear all concerned and pass fresh reasoned order. Same is to be done within six weeks of communication. 8. Status quo be maintained till two weeks after reasoned order of the Tahasildar is made known to, inter alia, petitioners/learned advocate.”*

4. Mr. Suryakanta Dash, learned counsel for the petitioners contended that in compliance of the order passed by this Court, the representation of the petitioner was to be considered by the Tahasildar by hearing all the parties and a fresh reasoned order was to be passed within a period of six weeks, and that status quo was to be maintained till two weeks after reasoned order of the Tahasildar is made known to inter alia petitioners/learned advocate. But, in the instant case, the authority has failed to do so.

5. Mr. S. Kanungo, learned Addl. Government Advocate appearing for the State-opposite parties contended that the order of this Court has already been complied with by disposing of the representation of the petitioner and, as such, the status quo order passed by this Court in paragraph-8 of the order itself has been given due respect and the same has been adhered to in letter and spirit.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that since the order of this Court has already been complied with by disposing of the representation of the petitioner in letter and spirit and the status quo order passed in paragraph-8 having been adhered to, question of violation of the order dated 17.05.2023 passed in W.P.(C) No. 10809 of 2023 does not arise.

7. Accordingly, the contempt petition stands disposed of.”

6. Against the above order, the petitioners preferred Special Leave to Appeal (C) No.21994 of 2023 before the Hon’ble Apex Court and the said appeal has been dismissed by the Hon’ble Apex Court by order dated 13.10.2023, which reads as under:

“1.Having heard learned counsel for the petitioners, we are satisfied that no case to initiate the contempt

proceedings is made out. The High Court has rightly disposed of the proceedings vide the impugned order, which warrants no interference.

2. The special leave petition is, accordingly, dismissed.

3. All pending applications, if any, stand disposed of.”

7. As far as this writ petition is concerned, this Court, prior to the above order of Hon’ble Apex Court, vide order dated 21.07.2023 had observed in para-4 as follows:

“4. Having perused the records and the earlier orders passed in previous writ petitions, we would request Mr. D.K. Mohanty, learned Additional Government Advocate who is appearing for the State-opposite parties to take instructions from the opposite parties No.3 and 4 on whether the land that has been allotted to the Law Department for purpose of construction of civil courts falls within the Eco-sensitive Zone (ESZ) and whether during the alienation proceeding that aspect of the matter was taken care of by the concerned authority.”

8. When the matter was on the Board on 18.10.2023, nobody appeared on behalf of the petitioners. It is also brought to the notice of the Court that these petitioners along with some other persons obstructed the construction work of the Court and manhandled the executing agency. Consequently, an FIR was lodged and apprehending arrest, they filed anticipatory bail application i.e. ABLAPL No.8115 of 2023 where this Court granted anticipatory bail on 11.09.2023. Taking advantage of the anticipatory bail granted by this Court, these petitioners are creating disturbances frequently at the construction site, but the

fact remains that when the present writ petition was listed on 18.10.2023, after disposal of the SLP by the Hon'ble Apex Court, knowingly no one appeared on behalf of the Petitioners. Be that as it may, this Court provided an opportunity to the petitioners in adjourning the matter to today i.e. 19.10.2023. Today, when the matter was called, Mr. Pravat Kumar Padhi (Petitioner No.1) appeared in person and filed a memo stating that his lawyer has given him consent to engage some other lawyer in the present case. But, when this Court expressed its view that all the pending cases have been disposed of by virtue of the order passed by the Apex Court in SLP and nothing more remains to be adjudicated in the present writ petition, the Petitioner No.1 created havoc and behaved arrogantly with the court in an unruly manner stating that unless he gets permission from his co-villagers, he cannot withdraw this writ petition and this writ petition cannot be disposed of.

9. At this point of time, the Court informed the petitioner No.1 that he may go out of the courtroom for some time and get necessary instruction from his co-villagers so that the matter can be disposed of today in terms of the order of the Hon'ble Apex Court.

10. Accordingly, the Petitioner No.1 went outside the courtroom and after sometime, came back with a person namely, Duryadhan Sahu, aged about 72 years, S/o. Dibya Singh Sahu, Village/PO-Khadisha, P.S. Gop, Dist. Puri, who is not a party to this case. On being asked about his locus-standi in the present case, Mr. Duryodhan Sahu (who is an outsider) arrogantly contended that he has helped in filing the present case and is helping in pursuing the

matter. He instigated the Petitioner not to withdraw the petition even if the matter has been dismissed by Hon'ble apex Court. Mr. Duryodhan Sahu, very arrogantly and ill-mannered way also tried to justify his action in demeaning the decorum of the Court and expressed his views in derogatory words. Though this Court tried to dissuade him from showing such unruly behavior in the Courtroom, he went on passing derogatory remarks against the court. In any case, the conduct of the Petitioner No.1 along with Duryodhan Sahoo (who is a stranger to the case) is absolutely derogatory and deplorable and has caused obstruction in the course of administration of justice. Accordingly, the conduct of the Petitioner No.1 and said Duryodhan Sahu is held to be abuse of the process of the court and contemptuous and inasmuch as they have committed contempt on the face of the Court. Consequentially, this Court while constrained to initiate suo motu contempt under Article 215 of the Constitution of India read with Section 14 of the Contempt of Courts Act, 1971, called upon the learned Advocate General of the State Mr. Ashok Kumar Parija by issuing notice to him. In response to the same, the learned Advocate General appeared and tried to convince and persuade the contemnors not to conduct themselves in a manner which affects the majesty of the Court. But the contemnors did not pay heed and remained adamant and went on showing their arrogance and misbehavior. Even the learned Additional Government Advocates present in the Court tried to persuade the contemnors to refrain from exhibiting such unruly behavior in the courtroom, but it was of no result. Finally, the learned Advocate General submitted before the Court that these



persons should be dealt with under the provisions of the Contempt of Courts Act because they have no control of their own conduct.

11. This Court is conscious of the fact that the jurisdiction in respect of the contempt should be sparingly used. Here in a case where all efforts made by the Court as well as the learned Advocate General went in vain as the contemnors continued to cross the limits of decency. Hence, this Court called and directed the Registrar (Judicial) to register a Suo Motu Contempt proceeding against the petitioner No.1 (Pravat Kumar Padhi) and Duryodhan Sahu and place the same before this Court immediately for necessary orders.

12. As far as the present writ petition is concerned, as discussed above and in view of the observation of the Hon'ble Apex Court while dismissing the SLP, this Court finds that there is nothing more left to adjudicate in this case. Hence, the writ petition stands disposed of accordingly.

**(DR. B.R. SARANGI)**  
**ACTING CHIEF JUSTICE**

**(M.S. RAMAN)**  
**JUDGE**

*SK Jena/Secy.*