

Dev Raj & ors. Versus Jagdish Chander Sharma & ors.

**CMP No.16168 of 2023 in COPC
No.76 of 2021**

15.12.2023 Present: Mr. Umesh, Advocate, for the applicants/petitioners.

Mr. Vishal Panwar, Additional Advocate General, for non-applicants/respondents-State.

CMP No.16168 of 2023

The orders dated 19.06.2023 reveals that the learned Additional Advocate General has undertaken that necessary steps shall be taken expeditiously for removal of encroachment, if any, made by the private parties on the Government land.

2. Thereafter, the case was listed on 28.08.2023 whereby the Deputy Commissioner, Bilaspur has filed the compliance report indicating that the construction of the road in question from Thandi Nali to Ghayana, which is situated at Gram Panchayat Niharkhan Basla and Kotla, Tehsil Sadar, District Bilaspur, H.P. stands completed on 17th August, 2023.

3. While passing the orders on 28.08.2023, this Court has observed that the encroachment

done on the Government land has not been removed. Today Mr. Rajan Kahol, learned State Counsel has placed on record *the instructions dated 05.12.2023* as conveyed to him by Deputy Commissioner, Bilaspur, which indicates that the encroachments/hindrances on the road in question have been removed and the road has been opened for vehicular traffic and general public.

4. In terms of the previous orders dated 28.08.2023, though, this Court had directed the respondents to look into the claims of admissible payments to the Pradhan (Mr. Budhi Ram) but, the *Instructions dated 05.12.2023* reveals that the payment as due amounting to Rs.45,84,941/- as per the original estimate and re-assessed works, remains the same; which stand released to the Gram Panchayat Niharkhan Basla and no other payment is due/pending at present. However, learned counsel for the petitioner disputes this position. Even, the present petitioner Mr. Dev Raj has made a statement that he is satisfied with the works and no other claims are left.

5. In the entirety of the facts referred to above, in case any other grievances/claims are left then Contempt is not the remedy. This Court is of the view that the respondents have effectively implemented the judgment in question and the conduct of the respondents is not contumacious at all.

In case of any surviving claims, parties are free to avail remedies, as available in law.

December 15, 2023
(Shivender)

(Ranjan Sharma)
Judge