

Sita Ram Sahu

Vs

Lal Pari Devi

Contempt petition No. 186 of 1989 In Civil Appeal No. 2663 of 1980

(K. Jagannatha Shetty, N. D. Ojha JJ)

21.09.1990

JUDGMENT

1. The petitioner was in occupation of a premises which was the subject matter of eviction proceedings. The eviction order was stayed by this Court, but notwithstanding the stay order, the respondents have demolished the premises. So contempt proceedings have been initiated against them. They have filed a counter stating that in view of the earthquake, the building became, unsafe; that they were ordered to demolish the same by the local authority and so they were compelled to demolish the building. In other words, the demolition is sought to be justified by the letter dated 13-9-1988 issued by the Darbhanga Regional Development Authority.

2. We have perused the aforesaid letter. It is stated therein that as a result of the earthquake occurred on 21-8-88, the premises occupied by the petitioner has been damaged and after technical survey it has been found that it may cause loss to the lives and property of the general public. That notice was under Section 14 of the Bihar Regional Development Authority Act, 1974, directing the respondents to demolish the building within 3 days therefrom. In the rejoinder filed by the petitioner, it has been averred that the order issued by the Darbhanga Regional Development Authority was post dated and it was not there on the date on which the demolition took place. We do not want to enter into this controversy since thereafter there was a Panchayat of the local people in which it was decided as follows, insofar as the petitioner is concerned :

"We, the Panchas have decided that as early as possible, after getting the house completed the last kothri towards east of the Southern block, keeping in view the costs and expenses of the construction the same be let out to executing No. 6 being old tenant on a reasonable rent for 3 years on his executing a rent deed."

3. We are, however, of the opinion that the respondents have committed contempt. The allegations as to justification for demolition are not beyond the pale of controversy. But we do not want to take a serious view of the matter in view of the Panchayat direction to reconstruct the building for the use of the petitioner. We take a lenient view of the matter, but not without directions. We direct that the respondents shall re-construct the portion of the building which is to be given to the petitioner within six months from today and he shall be reinducted into the premises immediately thereafter. The petitioner shall be reinducted as a tenant not for three years as stated by Panchayat, but just like any other tenant without terms as to period. The petitioner shall not be asked to pay enhanced rent or prevailing rent for the new premises but the old rent only. The petitioner will be at liberty to mention if there is any difficulty.

4. The proceedings are accordingly dropped. In view of the order made in the Contempt Petition, Civil Appeal No. 2663 / 90 has become infructuous and is accordingly disposed of with no order as to costs.

Order accordingly.

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