



2026:CGHC:6824

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HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 442 of 2015

1 - Sajjan Kumar Sahu S/o Late Manglu Ram Sahu, Aged About 66 Years Ex-Army Service Man, R/o. Village Pawni, Post Pawni, P. S. Bilaigarh, Tahsil Bilaigarh, District - Balodabazar-Bhatapara Chhattisgarh.

... Petitioner

versus

1 - Indubhushan Padwar S/o Shri Uttam Dash Padwar, Ex-Sarpanch of Village Panchayat-Pawni, R/o Village Pawni, And Office-Bearers Of Village Panchayat Pawni, Post Pawni P. S. Bilaigarh, Tahsil And Revenue Circle Bilaigarh District - Balodabazar-Bhatapara Chhattisgarh.

2 - Raju Sahu S/o Manharan Sahu, R/o Village Pawni, And Office-Bearers Of Village Panchayat Pawni, Post Pawni P. S. Bilaigarh, Tahsil And Revenue Circle Bilaigarh District - Balodabazar-Bhatapara Chhattisgarh.

3 - Santram Sahu S/o Abhayram Sahu R/o Village Pawni, And Office-Bearers Of Village Panchayat Pawni, Post Pawni P. S. Bilaigarh, Tahsil And Revenue Circle Bilaigarh District - Balodabazar-Bhatapara Chhattisgarh.

4 - Smt. Pin Bai Sahu W/o Ram Charan Sahu, R/o Village Pawni, And Office-Bearers Of Village Panchayat Pawni, Post Pawni P. S. Bilaigarh, Tahsil And Revenue Circle Bilaigarh District - Balodabazar-Bhatapara Chhattisgarh.

5 - Munna Lal Sahu S/o Ashalram Sahu, At Present Up - Sarpanch Of Village Panchayat - Pawni, R/o Village Pawni, And Office-Bearers Of Village Panchayat Pawni, Post Pawni P. S. Bilaigarh, Tahsil And Revenue Circle Bilaigarh District - Balodabazar-Bhatapara Chhattisgarh.

6 - Kalas Ram Sahu S/o Chaitram Sahu, R/o Village Pawni, And Office-Bearers Of Village Panchayat Pawni, Post Pawni P. S. Bilaigarh, Tahsil And Revenue Circle Bilaigarh District - Balodabazar-Bhatapara Chhattisgarh.

7 - Balram Sahu S/o Maniram Sahu, R/o Village Pawni, And Office-Bearers Of Village Panchayat Pawni, Post Pawni P. S. Bilaigarh, Tahsil And Revenue Circle Bilaigarh District - Balodabazar-Bhatapara Chhattisgarh.

8 - Ashok Sahu S/o Asharam Sahu, R/o Village Pawni, And Office-Bearers Of Village Panchayat Pawni, Post Pawni P. S. Bilaigarh, Tahsil And Revenue Circle Bilaigarh District - Balodabazar-Bhatapara Chhattisgarh.

9 - Ramlal Sahu S/o Sahettar Sahu, R/o Village Pawni, And Office-Bearers Of Village Panchayat Pawni, Post Pawni P. S. Bilaigarh, Tahsil And Revenue Circle Bilaigarh District - Balodabazar-Bhatapara Chhattisgarh.

10 - Ramkripal Sahu S/o Johan Sahu, R/o Village Pawni, And Office-Bearers Of Village Panchayat Pawni, Post Pawni P. S. Bilaigarh, Tahsil And Revenue Circle Bilaigarh District - Balodabazar-Bhatapara Chhattisgarh.

11 - Lakeshwar Sahu S/o Cheduram Sahu, R/o Village Pawni, And Office-Bearers Of Village Panchayat Pawni, Post Pawni P. S. Bilaigarh, Tahsil And Revenue Circle Bilaigarh District - Balodabazar-Bhatapara Chhattisgarh.

12 - Madhu Sahu S/o Ramadhar Sahu, R/o Village Pawni, And Office-Bearers Of Village Panchayat Pawni, Post Pawni P. S. Bilaigarh, Tahsil And Revenue Circle Bilaigarh District - Balodabazar-Bhatapara Chhattisgarh.

13 - Ramcharan Sahu S/o Budhram Sahu, R/o Village Pawni, And Office-Bearers Of Village Panchayat Pawni, Post Pawni P. S. Bilaigarh, Tahsil And Revenue Circle Bilaigarh District - Balodabazar-Bhatapara Chhattisgarh.

14 - Anupam Tiwari Sub-Divisional Officer Of Bilaigarh District - Balodabazar - Bhatapara Chhattisgarh.

15 - Shankar Dayal Mishra Tahsildar Bilaigarh, Tahsil And Revenue Circle Bilaigarh, District - Balodabazar - Bhatapara Chhattisgarh.

16 - Laxman Dayal Giri Sub Inspector, Presently Posted As Incharge Of Police Station Bilaigarh, Tahsil Bilaigarh, District - Balodabazar - Bhatapara Chhattisgarh.

... Respondents

For Petitioner	:	Mr. J.N. Nande, Advocate
For Res. No. 4 to 13	:	Mr. P.M. Shrivastava, Advocate
For Res No.14	:	Mr. S.P. Kale, Advocate
For Res. No. 15 & 16	:	Mr. Anchal Kumar Matre, Advocate

Hon'ble Smt. Justice Rajani Dubey

(C.A.V. Order)

1. The petitioner has filed this contempt petition due to willful disobedience of order dated 28.05.2014 passed in W.P.(227) No. 432/2014 by respondent/contemnors, whereby a direction was issued not to dispossess the petitioner, if not already dispossessed.
2. Brief facts of the case, as projected by the petitioner, are that the petitioner is a retired Constable of the Indian Army.

After his superannuation, for the purpose of earning his livelihood, he applied for allotment of agricultural land. The Collector, Raipur, by order dated 29.08.2005 passed in Revenue Case No. 09/A-59/2004-05, allotted unoccupied Government land situated at Village Pawni, P.H.N. No. 08, comprising Khasra No. 2788/6, admeasuring 0.223 hectare, and Khasra No. 2788/5, admeasuring 1.800 hectare, for cultivation purposes. Pursuant thereto, the Tahsildar, Bilaigarh, issued a lease deed in favour of the petitioner on 18.09.2005, and the petitioner's name was duly recorded in the revenue records. Since then, the petitioner has been in lawful possession of the said land. Subsequently, certain villagers of Village Pawni filed an application before the Collector, Raipur, seeking cancellation of the petitioner's lease granted under Section 237 of the Chhattisgarh Land Revenue Code, 1959. After scrutiny of the records, the Collector registered a case being Revenue Case No.14/B-121/2006-2007 and by order dated 31.12.2007, the case was dismissed. The respondent Nos. 1 to 3, being aggrieved by the order dated 29.08.2005 passed in Revenue Case No.09/A-59/Year 2004-05, filed an appeal before the Additional Commissioner, Raipur for cancellation

of order dated 29.08.2005 which was registered as Revenue Case No.314A/59-Year 2012-13 and by order dated 22.02.2014, the learned Additional Commissioner cancelled the order dated 29.08.2005 passed by the Collector. Thereafter, the petitioner moved before the Chhattisgarh Revenue Board, Bilaspur by way of second appeal being Appeal Case No.A/21/R/A-59/136/2014, which was admitted for hearing, however, the stay application of the petitioner was rejected. Being aggrieved by the order of rejection of stay application, the petitioner approached this Court by filing W.P. (227) No. 432 of 2014, wherein this Hon'ble Court passed an interim order dated 28.05.2014 in favour of the petitioner. Despite the subsistence of the said interim order, the respondents and other persons deliberately disobeyed the same and created such circumstances that it became impossible for the petitioner to peacefully enjoy and cultivate his land. Further, the Gram Panchayat, Pawni, passed a resolution dated 28.08.2015 under Subject No. 13, declaring that the petitioner's land would be treated as grazing land and that villagers would release their cattle for grazing, thereby threatening dispossession of the petitioner.

3. The petitioner repeatedly approached the Tahsildar, Bilaigarh, who directed the Patwari to conduct spot inspection. The Patwari submitted his report along with Panchnama dated 14.08.2014. The petitioner thereafter submitted several representations and complaints to the Sub-Divisional Officer, Tahsildar, and police authorities seeking enforcement of this Court's order and protection of his possession. On 30.08.2015, in the presence of police personnel, the respondents and villagers forcibly entered the petitioner's land and released cattle, causing complete destruction of standing crops. Despite full knowledge of the interim order passed by this Court, the concerned authorities failed to provide protection or initiate action against the offenders, thereby allowing deliberate violation of the Court's order.
4. Learned counsel for the petitioner would submit that the petitioner is the lawful allottee and recorded lessee of the subject land since 2005, and his possession has never been lawfully disturbed by any competent authority. The interim order dated 28.05.2014 passed by this Court was binding upon all respondents and authorities. Their acts in passing Panchayat resolutions, encouraging forcible

grazing, and dispossessing the petitioner are in willful and deliberate disobedience of the Court's order. Learned counsel further submits that the resolutions passed by the Gram Panchayat, Pawni, particularly dated 20.06.2015 and 28.08.2015, amount to abuse of official position and constitute clear acts of contempt, as they were passed despite knowledge of the subsisting order dated 28.05.2014 of this Court. Learned counsel also submits that repeated representations to the police and revenue authorities were ignored on the pretext that the matter was sub-judice, which itself demonstrates abdication of statutory duty and tacit support to the contemnors. The destruction of standing crops in the presence of police personnel reflects a complete failure of law and order and shows that the contemnors acted with impunity and in open defiance of judicial authority. It has been also submitted that the acts of the respondents/contemnors squarely fall within the definition of civil contempt, being willful disobedience of the order passed by this Court, attracting action under the Contempt of Courts Act, 1971, as well as Article 215 of the Constitution of India.

5. Mr. P.M. Srivas, learned counsel for contemnors/respondent

Nos. 4 to 13 submits that the alleged resolution dated 28.08.2015 was not passed with any intention to dispossess the petitioner or to violate any order of this Court. The respondents are newly elected office bearers of the Gram Panchayat and had no knowledge of the order dated 28.05.2014, as the petitioner neither supplied a copy of the said order nor disclosed its existence. Prior thereto, a notice dated 17.06.2015 was issued to the petitioner through the Village Kotwar, merely directing the petitioner not to cultivate the disputed land in the absence of any Court order in his favour, but the petitioner refused to accept the notice. In these circumstances, the passing of the resolution cannot amount to willful disobedience. It has been further submitted that during pendency of the contempt proceedings, the petitioner's case stood finally decided by the Board of Revenue on 07.09.2015, and consequently W.P. (227) No. 432/2014 was rendered infructuous and disposed of on 04.12.2015. Hence, no contempt proceedings are maintainable. Learned counsel also submits that without prejudice, the contemnors tender an unconditional apology and undertake to strictly comply with all orders of this Court in letter and spirit.

Reliance has been placed on the decision of High Court of Allahabad in the matter of **Devi Prasad Misra Vs. State of U.P.** reported in **(2014) 3 UPLBEC 2436.**

6. Mr. S.P. Kale, learned counsel for respondent No.14/contemnor would submit that the respondent holds the highest respect for this Court and its orders and has no intention whatsoever to disobey or flout any direction of this Court. Without prejudice, he tenders his unconditional apology, if any act is construed as contemptuous, though no such act was ever intended or committed. It has been submitted that in W.P. (227) No. 432/2014, the Sub-Divisional Officer, Bilaigarh was not arrayed as a party, and the said writ petition stood finally disposed of on 04.12.2015. Consequently, the interim order dated 28.05.2014 merged with the final order. The petitioner has failed to establish any willful or deliberate non-compliance of the said interim order by Respondent No.14. It has been also submitted that the petitioner never submitted any application or representation before Respondent No.14 alleging non-compliance of this Court's order. Though the petitioner claims disturbance of possession, his representations were addressed only to the Sub-Divisional

Officer, Bilaigarh, and no copies thereof were served upon the concerned office or upon the respondent. Learned counsel further submits that the petitioner deliberately suppressed material facts from this Court, particularly that he had already instituted a civil suit for declaration and permanent injunction before the Civil Judge, Class-II, Bilaigarh, wherein his application under Order 39 Rules 1 and 2 CPC was rejected on 12.05.2014 and the suit itself was ultimately dismissed for non-prosecution on 28.03.2016. Thus, the petitioner has wrongly portrayed the factual matrix in the contempt petition. It was also submitted that no specific allegation of contempt has been levelled against Respondent No.14 in the entire contempt petition. Even the resolution dated 20.06.2015 of the Gram Panchayat, Pawni does not contain any allegation against the answering respondent, nor are all persons connected with the said resolution impleaded in the present proceedings, rendering the said document irrelevant for the purpose of contempt.

7. Learned counsel also submitted that during the pendency of the writ petition, the second appeal before the Board of Revenue was finally decided on 07.09.2015 in favour of the

petitioner, and the writ petition was thereafter disposed of on 04.12.2015 as infructuous. In absence of any subsisting order and any willful disobedience thereof, no contempt proceedings are maintainable against Respondent No.14. Thus, at last it has been prayed that the present contempt petition may be dismissed and reiterates his unconditional apology and undertakes to abide by every order of this Court in its true letter and spirit.

8. Mr. Anchal Kumar Matre, learned counsel for respondent/contemnor Nos. 15 to 16 submits that Respondent No.16 has been wrongly described in the petition as "Laxman Dayal Giri", whereas his correct name is *Lachchhanram Giri*. Respondent No.16 served as Assistant Sub-Inspector at Police Station Bilaigarh from 16.08.2015 to 11.11.2016 and never functioned as Sub-Inspector or In-charge of the said Police Station. During the relevant period, the In-charge of Police Station was Harishchandra Yadav and Inspector Kumar Singh Usendi. It was submitted that the allegations of inaction against Respondent No.16 are wholly baseless. Upon the complaint dated 19.06.2015 submitted by the petitioner, Faimaish Nalis No. 131/15 was registered and the applicant was

advised to approach the competent Court. Similarly, on the complaint dated 30.08.2015, Faimaish Nalis No. 218/15 was recorded and appropriate advice was given. Further, on the complaint dated 15.10.2015 against the Sarpanch and villagers, FIR No. 278/2015 under Sections 147, 149, 447 and 427 IPC was registered, investigated by Respondent No.16, and charge-sheet was filed before the JMFC, Bilaigarh.

9. Learned counsel further submits that in the said criminal case, the accused persons were convicted and sentenced by the learned Trial Court. The conviction was affirmed in Criminal Appeal No. 119/2019 by the learned Sessions Judge, Balodabazar, though the sentence was modified and fine enhanced, thereby clearly demonstrating that Respondent No.16 acted diligently and in accordance with law.
10. With regard to Respondent No.15, it has been submitted that he joined as Tehsildar, Bilaigarh on 05.08.2015 and functioned as Tehsildar In-charge till 06.08.2016, while also discharging duties as Naib-Tehsildar. He retired from service on 30.06.2018. It is submitted that Respondent No.15 was never informed about the Panchayat resolutions dated

20.06.2015 and 28.06.2015, nor was any intimation given to him regarding the alleged dispossession on 30.08.2015. In any case, the police authorities had already taken action against the persons involved, who stood convicted. In view of the aforesaid facts, learned counsel submits that no case of willful disobedience or contempt of the order passed by this Court is made out against Respondent Nos. 15 and 16. The allegations are unfounded and contrary to the record. It is, therefore, prayed that the contempt proceedings against the answering respondents may be dropped.

Reliance has been placed on the decision of this Court in the matter of **M/s Mile Stone Soft. Tech. Pvt. Ltd. Vs. Nidhi Chibber [Cont. Case No.02/2015 order dated 08.05.2015]** and the decision of High Court of Judicature at Bombay, Nagpur Bench, Nagpur in the matter of **Salma Bi Vs. The Collector, Buldhana & Ors. (W.P. No. 4031/2021, order dated 08.02.2022)**

11. The petitioner has filed his rejoinder pursuant to reply-affidavit filed by the respondent contemnors alleging that the respondents have committed willful and deliberate disobedience of the order dated 28.05.2014 passed by this Court. Despite the said order, the respondents passed a

resolution dated 28.08.2015 declaring the petitioner's land as grassland and permitted village-wide grazing of cattle, thereby forcibly dispossessing the petitioner and destroying his standing crop. The reliance placed on the Panchanama dated 23.06.2014 is wholly misconceived, as it neither disproves the petitioner's possession nor non-cultivation and is a self-serving document, with three witnesses being contesting respondents. On the contrary, the petitioner cultivated paddy on the land and sold the crop on 31.12.2014, conclusively establishing cultivation during 2013-14, which is further supported by statements recorded in Criminal Case No. J505/2015 confirming the petitioner's continuous possession. The plea of respondent No.1 regarding his absence at the spot is irrelevant, as the illegal resolution was passed under his authority as head of the Panchayat, and respondent Nos.4 to 13 also acted in complete disregard of the stay order. The conduct of the respondents squarely amounts to wilful disobedience of the order of this Hon'ble Court, warranting appropriate action to uphold the majesty of law and sanctity of judicial orders.

12. Heard learned counsel for the parties and perused the material available on record.

13. The petitioner has filed this contempt petition for non-compliance of this Court's order dated 28.05.2014 passed in W.P.(227) No.432/2014, wherein this Court has passed order which reads thus :-

“19. Taking into consideration the submission made by learned counsel for the petitioner that the petitioner was allotted the land under lease and the reason for cancellation are not proper, it is directed that till the next date of hearing, the petitioner shall not be dispossessed, if not already dispossessed.”

14. The petitioner alleges that despite the order dated 28.05.2014, the contemnor/Gram Panchayat Pawni, in its meeting dated 28.08.2015 under Subject No.13, passed a resolution (Annexure C/1) declaring the petitioner's land as grazing land, permitting villagers to use it for grazing and deciding to release cattle on the land, resulting in dispossession of the petitioner.
15. The record shows that upon the petitioner's application, the Tahsildar, Bilaigarh, directed spot inspection, whereupon the Patwari submitted a report dated 14.08.2014 (Annexure C/4). Subsequently, the Gram Panchayat passed another resolution dated 20.06.2015 (Annexure C/9) for removal of

alleged unauthorized occupation from Government land. In pursuance thereof, the land was levelled using a JCB machine. On 30.08.2015, respondent Nos.1 to 13, in the presence of police personnel, entered the petitioner's agricultural land and released cattle on standing crops. Photographs evidencing the incident have been placed on record as Annexure C/15.

16. The respondent/contemnors have submitted that the petitioner had filed a complaint dated 15.10.2015 against Sarpanch and other villagers, pursuant to which, an FIR bearing Crime No.278/2015 for the offence under Sections 147, 149, 447 and 427 of IPC was registered. The said crime number was investigated and a criminal case being Criminal Case No.2505/2015 was registered, wherein the learned Trial Court convicted the accused persons with imprisonment for 3-3 months each with fine. The said judgment of conviction was subjected to challenge before the learned Sessions Judge, Balodabazar being Criminal Appeal No.119/2019, wherein the learned Sessions Judge enhancing the fine amount to Rs.6,500/- each, reduced the sentence of imprisonment till rising of the Court.
17. It is further found that the Board of Revenue, by order dated

07.09.2015, finally decided the matter in favour of the petitioner by setting aside the order of the Additional Commissioner and restoring the order of the Collector, Raipur. The present petition was filed on 10.09.2015 alleging non-compliance of the order dated 28.05.2014. The writ petition bearing W.P.(227) No.432/2014 was disposed of on 04.12.2015. The relevant portion of the order dated 04.12.2015 reads as under:

“Learned counsel for the parties jointly submit that during the pendency of this petition, the second appeal pending before the Board of Revenue has now been finally decided vide order dated 07.09.2015.

This petition arose out of an order passed in interim application, therefore, this petition is finally disposed off. However, considering that the contempt petition has been filed and pending, records of this case shall remain tagged with the records of Contempt Case (Civil) No. 442/2015.”

18. Thus, it is undisputed that the main writ petition stood finally disposed of on 04.12.2015.
19. In *M/s Mile* (supra) this Court has held that once a final order is passed, all interim orders merge into the final order and cease to have independent existence, and no contempt

can be founded upon such interim orders after disposal of the main petition. Para 15 and 16 of the said order is reproduced herein as under :-

“15. Thus in light of the aforesaid fact, question would be, the day (05.01.2015) on which the contempt petition was filed alleging non-compliance of interim order dated 23.09.2014 and seeking initiation of contempt proceeding for disobeying, whether such an interim order was enforceable order in light of final order passed by this Court 21.11.2014 dismissed the writ petition?”

16. It is well settled law based on Doctrine of merger that once a final order is passed, all the earlier interim orders merge into the final order, and the interim orders cease to exist.”

20. The Bombay High Court, Nagpur Bench, in **Salma (supra)**, relying upon authoritative pronouncements of the Supreme Court, has reiterated that an interim order merges into the final order upon dismissal of the substantive proceedings and cannot confer any enforceable right thereafter. Any advantage gained on the strength of such interim order must necessarily be neutralised. Para 16 of the said judgment is as under :-

“ 16. The effect of vacation of an interim order

consequent upon dismissal of the writ petition and the applicability of the principle of restitution in that context would have to be considered. It is well settled that on the adjudication of a substantive proceeding, any interlocutory order passed would merge into the final order. Such interim order cannot form the basis of conferring any right in favour of a party in whose favour such interlocutory orders were initially passed especially when such proceedings are dismissed. Reference can be usefully made to the following decisions :-

a) Ouseph Mathai & Others Versus M.Abdul Khadir [(2002) 1 SCC 319]

"13. It is settled position of law that stay granted by the court does not confer a right upon a party and it is granted always subject to the final result of the matter in the court and at the risks and costs of the party obtaining the stay. After the dismissal, of the lis, the party concerned is relegated to the position which existed prior to the filing of the petition in the court which had granted the stay."

(b) Kalabharati Advertising (supra)

"15. No litigant can derive any benefit from the mere pendency of a case in a court of law, as the interim order always merges into the final order to be passed in the case and if the case is ultimately dismissed, the interim order stands nullified automatically..."

The maxim actus curiae neminem gravabit, which means that the act of the court shall prejudice no one, becomes applicable in such a case. situation the court is under an obligation to undo the wrong done to a party by the act of the court. Thus, any undeserved or unfair advantage gained by a party invoking the jurisdiction of the court must be neutralised, as the institution of litigation cannot be permitted to confer any advantage on a party by the delayed action of the court.

17. In South Eastern Coalfields Ltd. v. State of M.P. this Court examined this issue in detail and held that no one shall suffer by an act of the court. The factor attracting the applicability of restitution is not the act of the court being wrongful or a mistake or error committed by the court; the test is whether an act of the party persuading the court to pass an order held at the end as not sustainable, has resulted in one party gaining an advantage it would not have otherwise earned, or the other party suffering an impoverishment which it would not have suffered but for the order of the court and the act of such party. There is nothing wrong in the parties demanding to be placed in the same position in which they would have been had the court not intervened by its interim order, when at the end of the proceedings, the court pronounces its judicial verdict which does not

match with and countenance its own interim verdict. The injury, if any, caused by the act of the court shall be undone and the gain which the party would have earned unless it was interdicted by the order of the court would be restored to or conferred on the party by suitably commanding the party liable to do so. Any opinion to the contrary would lead to unjust if not disastrous consequences.

The aforesaid thus clearly indicates that a party in whose favour an interim order is passed cannot be permitted to continue to retain the benefit thereof consequent upon dismissal of the substantive proceedings. In effect the petitioner by relying upon aforesaid legal principle seeks the relief of declaration of being elected unopposed for Seat C. In the aforesaid factual backdrop and the legal position obtaining it cannot be said that the petitioner was infact "calling in question the election" of the fourth respondent in these proceedings so as to attract the bar under Article 243-O(b) of the Constitution of India."

(c) Abhimanyoo Ram Versus State of Uttar Pradesh & Another [(2008) 17 SCC 71]

"5. The assumption of the appellant that the High Court has made any unwanted or unwarranted observation or issued any direction which is uncalled for, while dismissing his petition as not pressed, is not correct. The

High Court has merely spelt out expressly, the consequences of the dismissal of the writ petition. Such explicit directions have become necessary to check a raising trend among the litigants to secure the relief as an interim measure, and then avoid adjudication on merits, particularly in matters relating to examinations and recruitment. The modus operandi adopted in such matters is as follows: The litigant approaches the court in the last minute for relief with an interim prayer. He persuades the court to grant the interim relief by highlighting the urgency, irreparable loss and balance of convenience. He obtains interim relief and secures the desired benefit with the help of such interim order. Once the purpose of securing the interim order is achieved (particularly where the interim order granted is the same as the final relief prayed), he makes an innocuous submission to the court that he does not want to press the petition and gets the matter disposed of, thereby achieving the goal of securing relief without adjudication. He takes advantage of the fact that invariably courts do not spell out the consequences, when dismissing the petitions as not pressed. The result is that in many cases, a litigant who would not get the relief on detailed scrutiny of his claim during a contested final hearing, gets away with undeserved relief secured by way of

an interim order."

(d) Kanoria Chemicals and Industries Ltd. & Others Versus U.P. State Electricity Board & Others [(1997) 5 SCC 772]

"11. It is equally well settled that an order of stay granted pending disposal of a writ petition/suit or other proceeding, comes to an end with the dismissal of the substantive proceeding and that it is the duty of the court in such a case to put the parties in the same position they would have been but for the interim orders of the court. Any other view would result in the act or order of the court prejudicing a party (Board in this case) for no fault of its and would also mean rewarding a writ petitioner in spite of his failure. We do not think that any such unjust consequence can be countenanced by the courts....."

It is thus clear that the fourth respondent after 08.07.2021 on dismissal of her writ petition cannot rely upon the ad-interim order dated 04.01.2021 to contend that she is now a validly elected member of the Gram Panchayat from Seat C. The advantage gained by her will have to be neutralised."

21. The Allahabad High Court in ***Devi Prasad (supra)*** has also held that continuance under an interim order does not confer any right once the main petition is dismissed, and

such interim orders become non est in the eye of law. Para 12 of the said judgment is as under :-

"12. Continuance to serve under an interim order would not confer any benefit upon petitioner. It is well established that act of the Court shall prejudice none. The services rendered pursuant to an interim order would not give any benefit to petitioner. This issue has been considered by a Division Bench of this Court (in which I was also a member) in Smt. Vijay. Rani Vs. Regional Inspectress of Girls Schools, Region-I and Others and the Court held as under:

"An interim order passed by the Court merges with the final order and, therefore, the result brought by dismissal of the writ petition is that the interim order becomes non est. A Division Bench of this Court in Shyam Lal Vs. State of Uttar Pradesh, Lucknow and Others,, while considering the effect of dismissal of writ petition on interim order passed by the Court has laid down as under:

"It is well settled that an interim order merges in the final order and does not exist by itself. So the result brought about by an interim order would be non est in the eye of law if the final order grants no relief. The grant of interim relief when the petition was ultimately dismissed could not have the effect to postponing

implementation of the order of compulsory retirement. It must in the circumstances take effect as if there was no interim order."

The same principal has been reiterated in the following cases:

(A) Sri Ram Charan Das Vs. Pyare Lal,...

"In Shyam Lal Vs. State of Uttar Pradesh. Lucknow and Others,, a Bench of this Court has held that orders of stay of injunction are interim orders that merge in final orders passed in the proceedings. The result brought about by the interim order becomes non est in the eye of law in final order grants no relief. In this view of the matter it seems to us that the interim stay became non est and lost all the efficacy, the commissioner having upheld the permission which became effective from the date it was passed."

(B) Shyam Manohar Shukla Vs. State of U.P. and Others,

"It is settled law that an interim order passed in a case which is ultimately dismissed is to be treated as not having been passed at all (see Shyam Lal Vs. State of Uttar Pradesh, Lucknow and Others, and Sri Ram Charan Das Vs. Pyare Lal,.."

(C) M/s. Kanoria Chemicals and Industries Ltd. Vs. U.P. State Electricity Board and other...

"After the dismissal of the writ petitions wherein notification dated 21.4.1990 was stayed, the

result brought about by the interim orders staying the notification, became non est in the eye of law and lost all its efficacy and the notification became effective from the beginning.”

22. In view of the aforesaid legal position, it is evident that the interim order dated 28.05.2014, having merged into the final order passed on 04.12.2015 disposing of W.P.(227) No.432/2014. It is well settled position of law based on Doctrine of merger that once a final order is passed, all the earlier interim orders merge into the final order and the interim orders cease to exist. As per the submission of both the parties, the Revenue Court has also passed the order in favour of the petitioner. Consequently, the contempt proceeding for disobedience of order dated 28.05.2014, at this stage, cannot be initiated as there is no enforceable order for maintaining and initiating contempt petition against the contemnors. It is also relevant to note that the alleged acts of contemnors have already been adjudicated upon by the criminal Court, resulting in conviction of the respondents/contemnors.
23. As a fall out and consequence of above analysis, the

respondents/contemnors are hereby discharged. The contempt petition is dismissed and the contemp proceeding against respondents/contemnors is hereby dropped.

24. The petition, thus, stand disposed of.

Sd/-

(Rajani Dubey)
Judge

pekde