



IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.362 of 2026

CNR No. ODHC010026962026

Sagarika Parida

....

Petitioner

Mr. P. Das, Advocate

-versus-

***Shri Y. B. Khurania, the
D.G. of Police, Odisha***

....

***Opposite Party/
Contemnor***

Mr. M.R. Mohanty, AGA

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

24.08.2026

Order No.

08.

This matter is taken up through hybrid mode.

2. The matter was last listed on 31.07.2026. However, on prayer of learned State Counsel, further four weeks' time was granted to file Compliance Affidavit, as per the undertakings given by the learned State Counsel on behalf of the Contemnor.

3. Today, instead of filing of Compliance Affidavit, Mr. Mohanty, learned AGA files the photocopy of instruction received from the I.G. of Police (Personnel), Odisha, Kataka vide letter dated 24th August, 2026. Contents of the said letter, being relevant, are reproduced below:-



“To

*The learned Advocate General,
Odisha, Kataka.*

Sub:

Instruction in CONTC No. 362/2026 arising out of order dated 22.06.2026 passed in Writ Appeal No. 357 of 2026 and Order No.09 dated 25.09.2025 of the Hon'ble Orissa High Court passed in W.P(C) No.32287 of 2020 filed by Sagarika Parida Vs. State of Odisha and others.

Sir,

In inviting a reference to the above noted subject, I'm directed to intimate that consequent upon the dismissal of the W.A No. 357 of 2026, the Govt. vide Law Department letter No. 11012/L dated 07.08.2026 have decided to file SLP before the Hon'ble Supreme Court of India against the Order dt.22.06.2026 of the Hon'ble High Court of Orissa passed in W.A No. 357/2026 in the matter of State of Odisha Vs. Sagarika Parida.

Accordingly, the Special Leave Petition has been duly preferred and filed before the Hon'ble Supreme Court of India on 22.08.2026 vide SLP(C) Diary No.51684 of 2026. The said matter is currently sub-judice before the Hon'ble Supreme Court.

*In view of the aforesaid facts, it is humbly requested that **your good self may kindly apprise the Hon'ble High Court of Orissa regarding the filing of the SLP before the Apex Court with a prayer to lie over the contempt proceedings in CONTC No. 362 of 2026 till the finalization of the SLP** in the bona fide interest of justice.”*

(Emphasis supplied)

4. So far as order dated 31.07.2026, paragraph nos. 4 & 5 of the said order, being relevant, are reproduced below:-



“4. Learned Counsel for the Petitioner submits, though the **learned State Counsel undertook on 03.07.2026 to file compliance affidavit, in the affidavit filed on 29.07.2026, it has not been clearly indicated, as to what steps has been taken by the Contemnor for implementation of the judgment dated 25.09.2025, passed by W.P.(C) No.32287 of 2020.** Rather, tactfully, it has been mentioned in para 5 of the affidavit that the matter is under active consideration of the Law Department and the Contemnor be given two months' time for taking appropriate legal steps with regard to compliance of the impugned order and to complete the entire process.

5. **However, learned Counsel for the State undertakes to file complete compliance affidavit within four weeks hence.”**

(Emphasis supplied)

5. Law is well settled that pendency of the proceeding before the Supreme Court, in absence of any interim order of stay, cannot be a ground to stall a contempt proceeding. In **Asit Kumar Das Vs. J. Panda, Chief Post Master General and others**, reported in (2020) 20 SCC 400, the Supreme Court held as follows:

“2. In the case in hand, the order on which the petitioner has placed reliance was pronounced on 9-12-2013 and till date the special leave petition has not even been listed for hearing before this Court. **It is trite that the filing of an appeal does not result in the assailed order becoming inoperative and unworthy of being complied with. There was, therefore, no justification for taking the contempt petition off the list of the High Court, albeit with permission granted for its relisting.** This Order would have been appropriate in the event that this Court had stayed the operation of the judgment in favour of the petitioner before us, which we



emphasise, had been pronounced as a far back as on 9-12-2013.”

(Emphasis supplied)

6. At this stage, learned Counsel for the State submits, the D.G. of Police, Mr. Y.B. Khurania, who is the sole Contemnor in the present proceeding, has been superannuated on 16.08.2026. Hence, the contempt petition may kindly be dropped, in absence of the new incumbent, who is holding the said post, not being impleaded as party to the present proceeding.

7. In view of the judgment of the Supreme Court reported in 2026 SCC OnLine SC 322 (***Israr Ahmad Khan Vs. Amarnath Prasad and others***), apart from the Contemnors, the persons, who are equally responsible for implementation of the Court's order, even if they were not party to the original proceeding or party to the contempt proceeding, are liable to be booked under the Contempt of Courts Act, 1971 for non-compliance of the Court's order.

8. In absence of any legal embargo to proceed further in the present contempt proceeding, more particularly, in view of the Supreme Court verdict in ***Asit Kumar Das*** (supra) and ***Israr Ahmad Khan*** (supra), since the defects are yet to be removed and SLP is yet to be registered, in absence of any stay order, this Court is of the view that there is no bar to proceed further in the present contempt proceeding, instead of halting the said process, as requested by the I.G. of Police (Personnel), Odisha, Kataka vide his



letter dated 24th August, 2026.

9. As is revealed from the record, the Opposite Party-Contemnor, instead of clearly mentioning in the affidavit that the State intends to challenge order dated 25.09.2025 passed by this Court in W.P.(C) No.32287 of 2020, which has been confirmed by the Division Bench vide judgment dated 22.06.2026 in W.A. No.357 of 2026, undertook before this Court by way of an affidavit seeking time for compliance of the order. Hence, this Court is of the view that, even if the Opposite-Party has been superannuated in the meantime, still the contempt proceeding would lie against him, apart from the present incumbent and other officer(s), responsible for non-compliance of the Court's order.

10. In view of the undertakings given by the learned State Counsel from time to time on behalf of the Contemnor, as well as misleading affidavits filed by him, this Court is of *prima facie* view that it is a clear case of willful flouting of the order passed by this Court, deserving action in terms of provisions enshrined under Section 11 and 12 of the Contempt of Courts Act, 1971, even if Mr. Y.B. Khurania, the Ex-D.G. of Police, who is the sole Contemnor in the present proceeding, has superannuated on 16.08.2026.

11. Accordingly, Office is directed to issue notice forthwith to Mr. Yogesh Bahadur Khurania, S/o Late. Mohan Bahadur Khurania through the Office of the



I.G. of Police (Personnel), Odisha, Kataka along with a copy of this order, to show cause as to why, he should not be tried and punished under Section 12 of the Contempt of Courts Act, 1971 for willful and deliberate disobedience of order dated 25.09.2025 passed in W.P(C) No.32287 of 2020.

12. Since Mr. Yogesh Bahadur Khurania has retired in the meantime, the I.G. of Police (Personnel), Odisha, Kataka is directed to serve the show cause notice on Mr. Yogesh Bahadur Khurania, Ex-D.G. of Police and report compliance at the earliest, preferably within 7 days hence.

13. Response to the Show Cause Notice be filed within 7 days from the date of receipt of the notice.

14. Office is also directed to communicate a copy of this order urgently to the present D.G. of Police(I/c), who is in charge of the said post, and is also equally responsible to ensure compliance of the order passed by this Court, which has already been confirmed by the Division Bench in W.A. No.357 of 2026.

15. Leaned State Counsel is directed to ensure compliance of order passed by this Court within four weeks hence, failing which the present D.G. of Police(I/c), who is equally responsible for compliance of order dated 25.09.2025 passed in W.P.(C) No.32287 of 2020, along with the I.G. (Personnel) Odisha Kataka, who is the author of letter dated 24th August, 2026, shall remain present before this Court on 28th



September, 2026 at 10.30.A.M.

16. Mr. Mohanty, learned AGA, who undertakes to communicate the website copy of this order, is permitted to utilize the digitally signed copy of this order, available in the website of this Court, for the purpose of communicating the same to the Opposite Party-Contemnor so also the present D.G. of Police (I/c), as well as the I.G. of Police (Personnel), Odisha, Kataka for their information and necessary action.

17. The matter be listed on 28th September, 2026.

Banita

(S.K. MISHRA)
JUDGE