

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 164 of 2020

Applicant :- Km. Samiksha Devi

Opposite Party :- Dharampal And 3 Others

Counsel for Applicant :- Rishikesh Tripathi, Manoj Kumar Sahu, Rajeev Kumar Tripathi, Rajesh Kumar Mishra

Counsel for Opposite Party :- Ram Raj Prajapati

Hon'ble Rohit Ranjan Agarwal, J.

Heard learned counsel for the applicant and Sri Ram Raj Prajapati, learned counsel for the opposite party.

The writ Court on 22.05.2017 in Writ-B No. 22698 of 2017 passed an interim order which is as under;

"Connect with Writ B No. 17470 of 2017.

Issue notice to respondent nos. 4 to 6.

It is sought to be urged that while allotting chaks, the principle enshrined under consolidation manual have been ignored. The petitioner's holding of 35 Bigha adjacent to four lane Highway has been illegally allotted to the respondent nos. 4 to 6, who had only one and half Bigha and is alleged that they are members of consolidation committee and have exercised influence and colluded with the consolidation authorities.

Submission requires consideration.

Till the next date of listing, effect and operation of impugned order dated 9.1.2017, passed by first respondent, shall remain stayed. Parties are directed to maintain status quo in respect of nature and possession of the property in dispute."

Learned counsel for the applicant has submitted that the applicant has been dispossessed by the contesting opposite party.

Counter affidavit has been filed by opposite party nos. 1 to 4.

In paragraph no. 5 of the counter affidavit filed by opposite party no. 2 it has been stated that after the order was passed by Consolidation Officer and decision in the appeal the allottee was put in possession of his chak on 17.06.2016. The said fact has not been denied in paragraph no. 8 of the rejoinder affidavit filed to the counter affidavit of opposite party no. 2.

As there is no denial to the said fact that opposite party no. 2 was put in possession over the chak allotted to him in the year 2016, no case for contempt is made out.

Contempt application is misconceived and stands dismissed.

Contempt notice stands discharged.

File consign to record.

Order Date :- 28.10.2023

Shekhar