

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 4362 of 2017

Applicant :- Dinesh Chandra Tiwari

Opposite Party :- Sri Manoj Kumar Singh Secy. Deptt. Of Urban Devlp. And 4 Other

Counsel for Applicant :- Madnesh Prasad Singh, Kamlesh Kumar Jaiswal

Counsel for Opposite Party :- M N Singh

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 26.10.2016 while disposing off PIL No. 51634 of 2016 passed the following order;

"Heard Mr. M.P. Singh, learned counsel for the petitioners, Mr. Nisheeth Yadav, learned counsel for the respondent no. 4, Mr. B.K. Ojha, learned counsel for respondent no. 5 and Mr. Ramanand Pandey, learned Standing Counsel for the State-respondents.

The petitioners, in the instant writ petition, seek the following reliefs:

[i] issue a writ, order or direction in the nature of mandamus commanding and directing the respondent authorities to take appropriate action against the illegal encroachers regarding unauthorized encroachment or illegal construction made by them over the road patri and public road situated in Mohalla Peela Shivala wali gali, Purana Katra, Allahabad and to ensure removal of nuisance/unauthorized encroachment and further whatever construction has been raised by them, be also removed therefrom.

[ii] issue a writ, order or direction in the nature of mandamus commanding and directing the respondent no. 3, the District Magistrate, Allahabad to make an enquiry at his own level and take appropriate action against the encroachers for encroaching upon the land of road patri and raising illegal construction over the same.

[iii] issue a writ, order or direction in the nature of mandamus commanding and directing the respondent no.4 to demarcate the gali situated in Mohalla Peela Shivala wali gali, Purana Katra, Allahabad and removed the obstructions/unauthorized encroachment made on the road and road patri by the illegal encroachers/unsocial elements.?

Counsel for the respondents submits that they are prepare to examine the grievance made by the petitioners independently and find out whether there are any encroachments, as alleged, and if there are any, they would take action in accordance with law expeditiously. Their statements are recorded and accepted. In view thereof, nothing further survives in the writ petition. It is open to the petitioners to take appropriate remedy, if the respondents do not

take appropriate action, as aforementioned, within a period of six months from today.

The writ petition is, accordingly, disposed of."

A compliance affidavit has been filed by the State wherein in paragraph no. 7 it has been stated that the order of writ Court has been complied by the opposite party on 10.11.2017 and entire encroachment from the spot has been removed.

As the compliance affidavit clearly reveals that order of writ Court has been complied by the opposite party, no case for contempt is made out.

Contempt application stands dismissed.

Contempt notice stands discharged.

File consign to record.

Order Date :- 6.11.2023

Shekhar