

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2340 of 2022

Applicant :- Rajiv Sen

Opposite Party :- Mr. Pramesh Kumar Srivastava, Sub Divisional Officer

Counsel for Applicant :- Pankaj Kumar, Ram Sheel Sharma, Viajy Kumar Sharma

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 12.08.2021 while disposing off Writ-C No. 18801 of 2021 passed the following order;

"Heard learned counsel for the petitioner; the learned Standing Counsel for the respondent nos.1 to 5; and have perused the record.

The case of the petitioner is that for correction of map and for demarcation of the plot, the petitioner had earlier filed Writ-C No.11941 of 2019 which was disposed of by an order dated 08.04.2019 requiring the authorities concerned to complete the exercise within three months. Pursuant to the aforesaid order, the third-respondent (Sub-Divisional Magistrate, Manikpur, District Chitrakoot) constituted a team of revenue officers whereafter the land of the petitioner was demarcated but there is resistance from the fellow villagers, as a result of which, the petitioner is deprived of the fruits of demarcation.

The prayer in this petition is to command the respondent nos.4 and 5 to constitute a team to maintain law and order so as to ensure compliance of the order passed by the third-respondent.

The learned counsel for the petitioner has invited our attention to the provisions of Section 24 of the U.P. Revenue Code, 2006.

Sub-section (2) of Section 24 of the Code provides that if in the course of an inquiry into a dispute under sub-section (1), the Sub-Divisional Officer is unable to satisfy himself as to which party is in possession or if it is shown that possession has been obtained by wrongful dispossession of the lawful occupant, the Sub-Divisional Officer shall - (a) in the first case, ascertain by summary inquiry who is the person best entitled to the property, and shall put such person in possession; (b) in the second case, put the person so dispossessed in possession, and for that purpose use or cause to be used such force as may be necessary and shall then fix the boundary accordingly.

On the basis of the aforesaid provisions, the learned Standing Counsel has suggested that the petitioner may make an application before the third-respondent (Sub-Divisional Magistrate) to do the needful as per law.

Considering the nature of the grievance expressed in this petition as also the

prayer made and keeping in mind the provisions of Section 24 of the U.P. Revenue Code, 2006, we deem it appropriate to dispose of this petition by giving liberty to the petitioner to represent his cause to the third-respondent (Sub-Divisional Magistrate, Manikpur, Chitrakoot). If any such representation is made within a period of three weeks from today, the third-respondent shall, after giving opportunity of hearing to the affected parties concerned, take appropriate decision/measure as per law, expeditiously, preferably, within a period of eight weeks from the date of filing of this order in his office.

It is made clear that we have not expressed any opinion on the merit of the claim of the petitioner."

From perusal of the order of writ Court, it is clear that direction was issued that in case representation is moved under Section 24 of the U.P. Revenue Code, 2006 before the revenue authority the same was to be decided in accordance with law.

A compliance affidavit has been filed wherein in paragraph no. 16 it has been stated that the application under Section 24 of U.P. Revenue Code was disposed off on 27.10.2021, copy of which has been brought on record as annexure No. 10 to the compliance affidavit.

Learned counsel for the applicant states that the said application has not been decided by the opposite party and matter is still pending.

From perusal of the order passed by the opposite party it is clear that as sub division has not been made of the land in dispute, the proceedings have been kept in abeyance and waiting for the order to be passed by the Sub Divisional Magistrate.

As the order of writ Court was only to the extent to decide the representation filed under Section 24 of U.P. Revenue Code, which the authority had done, no case for contempt is made out.

Contempt application stands dismissed.

Contempt notice stands discharged.

File consign to record.

Order Date :- 17.10.2023

Shekhar