

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3953 of 2022

Applicant :- Jai Prakash Govind And Another

Opposite Party :- Narendra Ram, Tehsildar

Counsel for Applicant :- Manish Gupta

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 06.01.2020 while disposing of Writ-A No.43100 of 2019 had passed the following order:-

"Heard learned counsel for the petitioners and Shri Upendra Kumar Tripathi for the Gaon Sabha as also learned Standing Counsel.

By means of this writ petition, the petitioner seeks the following relief:-

"(I) Issue a writ order or direction in the nature of mandamus commanding the respondents particularly respondent no.2 & 3 to ensure the necessary correction in the revenue record in view of the order dated 10.06.2009 passed by Prescribed Authority/Additional Collector (Finance and Revenue) Kushinagar in objection no. 446 under Section 11(2) of the U.P. Imposition of Ceiling on Land Holdings Act, 1960."

In my considered opinion, in case an order has been passed in favour of the petitioner by the Prescribed Authorities/Additional Collector (Finance and Revenue) Kushinagar, is to be implemented in the revenue records, the remedy is by means of a proceeding under Section 38 of the U.P. Revenue Code, 2006 for correction of papers.

The petitioner, in case, so advised may avail this remedy for redressal of his grievance.

Under the circumstances, this writ petition is disposed of with the observation that in case an appropriate application under Section 38 of the U.P. Revenue Code, 2006 for correction of papers is filed by the petitioner within a period of three weeks from today, it is expected that the same shall be dealt with and taken to its logical conclusion expeditiously and preferably within a period of three months, thereafter."

An affidavit of compliance has been filed on behalf of the State, wherein it has been stated that the order of the writ Court dated 06.01.2020 has been complied with and the application filed by the applicants under Section 38 of the U.P. Revenue Code, 2006 has been decided on 27.09.2022, copy of which has been brought on record as Annexure 1 to the affidavit of compliance.

As the order of writ Court was only to the extent to decide application under Section 38 of the U.P. Revenue Code, 2006, which the authorities have decided, the present contempt application is rendered infructuous and the same stands dismissed.

Contempt notice stands discharged.

Order Date :- 24.11.2023

SK Goswami