

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 4676 of 2022

Applicant :- Kevala Shankar

Opposite Party :- Shri Arun Kumar Giri, Tehsildar

Counsel for Applicant :- Shiv Shankar Singh

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 08.11.2016 in Public Interest Litigation (PIL) No.5300 of 2016 had passed the following order:-

"Heard Sri Shiv Shankar Singh, learned counsel for the petitioner, learned standing counsel appearing for the State - respondents and Ms. Ranjana Yadav holding brief of Sri Ram Babu Yadav, learned counsel for the gaon sabha.

In substance, the petitioner appears to be aggrieved by non-removal of the encroachment, from the gaon sabha land being Arazi No. 61, 63, 64, 65 and 86, made by respondent nos. 4 & 5.

After the commencement of Uttar Pradesh Revenue Code, 2006 (in short 'the Code') and enforcement of Uttar Pradesh Revenue Rules, 2006 (in short 'the Rules'), the remedy of the petitioner is to approach the Assistant Collector of the concerned Tehsil under section 67 of the Code read with Rule 67 of the Rules.

In case such approach is made by way of filing an application, along with certified copy of the order of this Court, the Assistant Collector shall do the needful, expeditiously keeping in mind the law laid down by this Court in the case of Bhole Nath and Another Vs. State of U.P. and Others (2016 (7) ADJ 430), provided there is no legal impediment.

With the aforesaid observations / directions, this petition is disposed of."

Affidavit of compliance, filed today, is taken on record.

In Para 7 of the affidavit of compliance, it has been stated that after proper demarcation, illegal encroachments have been removed and the spot memo has been prepared which has been brought on record as Annexure 1 to the affidavit of compliance.

In view of the said fact as the order of the writ Court has been complied with, present contempt application is rendered infructuous and the same stands dismissed.

Order Date :- 31.10.2023

SK Goswami