

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 4767 of 2023

Applicant :- Shiva Kant Tripathi

Opposite Party :- Shri Shivam Singh, The Sub Divisional Officer

Counsel for Applicant :- Adya Prasad Tewari

Hon'ble Rohit Ranjan Agarwal,J.

Raju Kumar, Sub Divisional Officer, Tehsil- Khajani, District-Gorakhpur is present in the Court today who is identified by Sri Brijesh Kumar, learned Standing Counsel.

An affidavit of compliance has been filed today which is taken on record.

The writ Court on 31.07.2020 while disposing of Writ-C No. 10852 of 2020 passed the following order:-

"Heard Sri A.P. Tewari, learned counsel for the petitioner and learned Standing Counsel for the State.

By means of this petition under Article 226 of the Constitution, the petitioner has prayed for a writ of mandamus commanding the respondent no. 3, Sub-Divisional Officer, Tehsil Khajni, District Gorakhpur to ensure the implementation of his order dated 28.03.2018, a copy of the order has been brought on record as Annexure No. 2 to the writ petition which clearly stipulates that after the measurement exercise was carried out and the report of Revenue Inspector and the field book dated 13.07.2013 were affirmed, a Pakki Medhbandi was directed to be carried out on the spot, however, thereafter nothing has happened in the matter as has been pleaded in the writ petition.

Learned Standing Counsel submits that the Sub Divisional Officer may be directed to conclude the proceedings, if any, pending in this case.

In view of the above, writ petition is disposed of with a direction to the Sub Divisional Officer, Tehsil Khajni, District Gorakhpur to conclude the proceedings of Section 41 of the erstwhile U.P. Land Revenue Act, 1901 in the light of his order dated 28.03.2018 on the spot and also to ensure that the order dated 28.03.2018 is implemented on the spot.

Entire exercise shall be carried out by putting to notice immediately the contesting respondents and giving them reasonable opportunity of hearing and until such decision is taken and proceedings is concluded, both the petitioner and contesting respondents namely respondent nos. 5, 6 & 7 are directed to maintain status quo with regard to nature and possession of the

land as is existing today"

From perusal of the order, it is clear that a direction was issued to opposite party to conclude the proceedings under Section 41 of erstwhile U.P. Land Revenue Act, 1901.

Pursuant to direction of writ Court, spot inspection has been carried out and demarcation proceedings have been concluded. The said fact has been mentioned in para nos. 7 and 8 of compliance affidavit filed today. The photographs and spot memo prepared by revenue officials have also been brought on record along with affidavit to demonstrate that proceedings under Section 41 have been carried out by opposite party.

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

Contempt notice stands discharged.

Order Date :- 22.11.2023

V.S.Singh