

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 4339 of 2021

Applicant :- Satendra Yadav

Opposite Party :- Amit Shekhar, Tehsildar Mohammadabad, Ghazipur

Counsel for Applicant :- Jai Prakash Rai, Rajesh Tewari

Hon'ble Rohit Ranjan Agarwal, J.

1. The writ Court on 28.01.2021 in Public Interest Litigation (PIL) No.122 of 2021 had passed the following order :

"On oral prayer made by the learned counsel for the petitioner, he is permitted to implead "Tehsildar Mohammadabad, District Ghazipur" as respondent no. 5.

Sri Sunil Kumar Singh, learned counsel for the Gaon Sabha is present.

Petitioner appears to be aggrieved by the fact that certain encroachments have been made on public utility land being Arazi No. 49, situated in Gaon Sabha-Chak Ibraheem, Tehsil-Mohammadabad, District Ghazipur. In that regard he along with other villagers appear to have made an application referable to Section 67 of U.P. Revenue Code, 2006 dated 25.11.2020 (Annexure-6 to the writ petition).

In view of such facts, no useful purpose would be served in keeping this petition pending or calling for a counter affidavit at this stage.

Without entering into merits of the case, this writ petition is disposed of with the observation that in case the petitioner files a copy of this order before the respondent no. 5 within a period of two weeks from today, the said authority shall make best efforts to decide the petitioner's application dated 25.11.2020 by a reasoned and speaking order as expeditiously as possible preferably within a period of six months from the date of production of a copy of this order before him after hearing all necessary parties, if there is no legal impediment and subject to the petitioner's not seeking any adjournment during that period and his cooperation in the proceeding."

2. From perusal of the order passed by writ Court it appears that the writ Court had observed that without entering into the merits of the case a direction was issued that in case the copy of the order is filed before the authority concerned, the application moved under Section 67 of the U.P. Revenue Code, 2006 was to be decided.

3. A compliance affidavit has been filed by the State wherein in paras 5, 6, 7 and 8 it has been stated that the order of the writ Court has been complied with and the order under Section 67 of the U.P. Revenue Code, 2006 has been passed on 29.11.2021, a

copy of which has been brought on record as Annexure 2 to the compliance affidavit.

4. As the order of the writ Court has been complied with, no case for contempt remains. The contempt application stands dismissed.

5. Contempt notice stands discharged.

Order Date :- 17.10.2023

Kushal