

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 4922 of 2022

Applicant :- Bhagwan Singh

Opposite Party :- Shri Sandeep Kumar Verma, Sub Divisional Officer

Counsel for Applicant :- Sita Ram Sharma

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 28.04.2022 while disposing off Writ-C No. 25743 of 2020 passed the following order;

"Heard learned counsel for the petitioner on Modification Application No. 2 of 2022.

The present modification application has been filed by the petitioner to modify the order dated 7.1.2021 which reads as under :

"Sri Manoj Kumar, learned counsel for the petitioner and Sri Girish Vishwakarma, learned Standing Counsel for the State and Sri O.P. Singh, learned counsel for Gaon Sabha.

Counsel for the petitioner submits that respondent no. 2, District Magistrate,/ Collector, Mathura be directed to decide survey/ demarcation proceedings of Khasra No. 3145 situated in village Rampur Bhag Adeeng, Tesil Goverdhan, District Mathura, within a stipulated time.

This prayer is not opposed by the learned Standing counsel.

In view of such facts, the writ petition can be disposed of with a direction to respondent no. 2 to decide the aforesaid case of the petitioner on its own merits, if possible, within a period of 90 days from the date of receipt of computer generated copy of the order being passed today in PDF form strictly in accordance with law.

In above terms, the writ petition is disposed of.

It is made clear that this Court has not expressed any opinion on the merits of the case".

While filing the present petition, a prayer has been made by the petitioner to direct the respondent authorities to conclude the survey/demarcation proceedings of Khasra No. 3145 situated in village Rampur Bhag Adeeng, Tehsil - Govardhan, District - Mathura.

It is submitted by learned counsel for the petitioner that inadvertently, instead of making a prayer to direct the respondent no. 3 - Sub Divisional Magistrate,

Goverdhan, District - Mathura to decide the case of the petitioner, a prayer was made to direct the respondent no. 2 - District Magistrate/Collector, Mathura to conclude the aforesaid proceeding and accordingly, order was passed. However, when the order dated 7.1.2021 was not complied with, Contempt Application (Civil) No. 5817 of 2021 was filed by the petitioner, which was dismissed on 15.12.2021. The order dated reads as under :

"The instant contempt application has been filed alleging that despite order of the writ court dated 07.01.2021 passed in Writ C No. 25743 of 2021 in re: Bhagwan Singh vs State of U.P. and others whereby the District Magistrate / Collector was directed to decide the demarcation proceedings, the same has not been decided.

A perusal of Section 24 of the U.P. Revenue Code, 2006, which provides for demarcation proceedings to be decided, indicates that the competent authority is the Sub-Divisional Officer who is to decide the aforesaid demarcation proceedings. The District Magistrate / Collector has no role in the matters pertaining to demarcation.

Considering the aforesaid the Court is not inclined to issue notice to the District Magistrate / Collector for contempt of Court.

Accordingly, the contempt application is dismissed."

After dismissal of the Contempt Application, the petitioner has filed the present modification application.

Heard learned counsel for the parties and perused the record.

From a perusal of the record, it is clear that the proceedings for demarcation can only be decided by the Sub Divisional Officer concerned.

In the facts and circumstances of the case and also in the interest of justice, the order dated 7.1.2021 is modified to the extent that instead of respondent no. 2 - District Magistrate/Collector, Mathura, the Sub Divisional Magistrate, Goverdhan, District - Mathura/respondent no. 3 is directed to conclude the survey/demarcation proceedings of Khasra No. 3145 situated in village Rampur Bhag Adeeng, Tehsil - Govardhan, District - Mathura within a period of three months from the date of production of a certified copy of this order before him.

With the aforesaid modifications, the modification application is disposed of."

From perusal of the order of writ Court, it is clear that the writ Court had directed the Sub Divisional Magistrate, Goverdhan, District - Mathura to conclude the survey/demarcation proceedings. Pursuant to the order of writ Court the revenue authorities carried out inspection and Revenue Inspector alongwith Tehsildar submitted a joint report on 17.12.2022 to the Sub Divisional Magistrate, Goverdhan, District - Mathura pursuant to which an order has been passed under Section 24 of U.P. Revenue

Code, 2006 by the Sub Divisional Magistrate, Goverdhan, District - Mathura, copy of which has been brought on record as annexure No. 3 to the compliance affidavit.

As the order of writ Court was only to the extent to carry out demarcation proceedings which the authorities have already done, no case for contempt is made out.

Contempt application stands dismissed.

Contempt notice stands discharged.

File consign to record.

Order Date :- 17.11.2023

Shekhar