

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 5365 of 2022

Applicant :- Karam Navi

Opposite Party :- Ratnesh Tripathi, Tehsildar

Counsel for Applicant :- Santosh Kumar Srivastava

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court on 23.03.2021 while disposing of Public Interest Litigation (PIL) No.632 of 2021 had passed the following order:-

"Heard learned counsel for the petitioner, Sri Pankaj Kumar Gupta for Gaon Sabha and the learned Standing Counsel.

The petitioner, invoking the jurisdiction of the Court in public interest, seeks the removal of an alleged encroachment made on public utility land, comprising of Gata Nos.365 dha/0.0630 hectare, which is recorded as Navin Parti situate in District Sant Kabir Nagar.

Since a statutory remedy is available under Section 67 of the U.P. Revenue Code, 2006, the Court is not inclined to entertain the petition. It is clarified that the Court has not expressed any opinion on the merits of the grievance. However, since a statutory remedy is available, the petitioner is permitted to file a comprehensive representation to the Assistant Collector who shall, upon verification of facts, initiate a proceeding under Section 67 of the Code, if the facts and circumstances of the case so justify. In the event, such proceeding is initiated, an expeditious decision shall be taken thereon.

It is, however, clarified that all facts shall be subject to due verification and any proceeding that may be adopted will be with due notice to all the affected parties.

With these observations, the petition is disposed of. There shall be no order as to costs."

From the perusal of the aforesaid order, it is clear that the writ Court had declined to entertain the writ petition.

In view of said fact, as the writ Court had declined to entertain the writ petition, no case for contempt is made out.

Contempt application is misconceived and the same stands dismissed.

Order Date :- 1.12.2023

SK Goswami