

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 5444 of 2023

Applicant :- Sunil Chauhan

Opposite Party :- Smt. Jaya Singh, Assistant Collector First, Class/Tehsildar

Counsel for Applicant :- Udai Shankar Chauhan

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court on 08.08.2022 in Public Interest Litigation (PIL) No.1364 of 2022 passed the following order :

"Heard learned counsel for the petitioner, learned Standing Counsel for respondent Nos. 1 to 3 and Sri Bhupendra Kumar Tripathi, learned counsel for the respondent/Gram Sabha.

This Public Interest Litigation is preferred to have a direction for the respondents to get the respondent nos.5, 6, 7 and 8 evicted from the illegal possession over the public utility land.

Today when the matter is taken up, learned Standing Counsel raised a preliminary objection that the present P.I.L. is not maintainable as a complete procedure has been prescribed under Section 67 of the U.P. Land Revenue Code, 2006 for removal of unauthorized possession/encroachment. It is further argued that Sub Rule (6) of Rule 67 of U.P. Revenue Code Rules, 2016 provides that the authority concerned shall make all endeavour to conclude the proceedings initiated under Section 67 of U.P. Revenue Code, 2006 within a period of 90 days from the date of issuance of show cause notice. The aforesaid Rule is quoted below:-

"(6) The Assistant Collector shall make an endeavour to conclude the proceeding under section 67 of the Code within the period of ninety days from the date of issuance of the show cause notice and if the proceeding is not concluded within such period the reasons for the same shall be recorded."

To have such a relief, remedy is available to the petitioner under section 67 of the U.P. Land Revenue Code, 2006. This Court does not find any just reason to entertain this P.I.L. ignoring the remedy provided under section 67 of the U.P. Revenue Code.

The P.I.L., is, accordingly, dismissed. The petitioner is at liberty to avail remedy under the Code aforesaid.

In case, the petitioner initiates the proceeding under Section 67 of the U.P. Land Revenue Code, 2006 before the concerned competent authority, the authority concerned is directed to conclude the proceeding within the time limit as provided Sub Rule 6 of Rule 67 of U.P. Land Revenue Code Rules, 2016. The aforesaid exercise be completed strictly in accordance with law and after providing opportunity of hearing to all the parties concerned, if

there is no legal impediment."

From perusal of the order it is clear that the writ Court had dismissed the PIL. However, a compliance affidavit has been filed by the State wherein 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 24.11.2023.

As the PIL itself was dismissed by the writ Court, no case for contempt is made out. Contempt application is misconceived and hereby dismissed.

Contempt notice stands discharged.

Order Date :- 14.12.2023

Kushal