

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 4711 of 2021

Applicant :- Kadedeen

Opposite Party :- Ramesh Maurya, Sub Divisional Officer

Counsel for Applicant :- Anil Kumar Yadav

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court on 01.12.2020 in Writ-C No. 19669 of 2020 passed the following order:-

"Heard A.K.Yadav, learned counsel for the petitioner Sri R.K.Singh, learned Advocate holding brief of Sri S.K.Singh, learned counsel for the Gaon Sabha.

By means of present writ petition, the petitioner has prayed following substantial relief:

1. issue a writ, order or direction in the nature of mandamus directing the respondent no. 3 to decide the application dated 24.-5.2020 pending before him for demarcation of Gata No. 427/714 area 0.0160 hectare situated at Village-Banpurwa Paratipur, Pargana, Kewai, Tehsil-Handia District Prayagraj within stipulated period as fixed by this Court."

It is submitted that the chak road is being carved out over and above bhumidhari land of the petitioner and, accordingly, petitioner has applied for the exact measurement on the spot so that boundaries of the land of the petitioner and that of Gaon Sabha could be defined and demarcated separating two lands and controversy accordingly may be resolved finally in the matter.

Learned Standing Counsel as well learned counsel for the Gaon Sabha has no objection in case if an order is issued for disposal of the application of the petitioner under Section 24 of the U.P. Revenue Code, 2006 in a time bound period but strictly in accordance with law.

In view of above, writ petition is disposed of with direction to Sub Divisional Magistrate to consider the application of the petitioner dated 3rd September, 2020 and decide the same strictly in accordance with law. The measurement exercise as requested for, shall be carried out in presence of petitioner as well Pradhan of Gram Sabha and final report shall be prepared and, thereafter only exercise for carving out of chak road over the disputed land shall be resumed. The entire exercise of measurement shall be concluded within period of four weeks from the date of production of copy of this order.

The copy of the order available on official website of this Court shall be treated to be genuine one, however, as and when the certified copy of the order is issued, the same shall also be submitted before the competent

authority."

From perusal of the order, it is clear that writ Court had directed that opposite party shall consider and decide the application filed by applicant.

A compliance affidavit has been filed wherein in para no. 10, it has been stated that representation has been decided complying the order of writ Court and demarcation proceedings has been held. In para no. 11, it has been stated that demarcation proceedings were conducted in presence of applicant, Pradhan of the village and other respectable villagers.

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

Contempt notice stands discharged.

Order Date :- 8.11.2023

V.S.Singh