

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1642 of 2017

Applicant :- Jay Kumar Singh

Opposite Party :- Hriday Shankar Tiwari D.M. Baghpat And 2 Others

Counsel for Applicant :- Shyam Singh Sengar

Counsel for Opposite Party :- K.S. Panday, Rajeev Singh

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court while disposing of Writ-C No. 4162 of 2016 on 01.02.2016 passed the following order:-

"Against unauthorized occupation of the public utility land, the petitioner being the villager had approached this Court by filing a Public Interest Litigation No.38422/2012, Jay Kumar & Ors. Vs. State of U.P. & Ors. This Court while dismissing the same on 08.8.2012, granted liberty to the petitioner to approach the authorities by filing a complaint under Section 122-B of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950. Pursuant thereto, it appears that the petitioner made a complaint and ultimately an order was passed under Section 122-B of the Act 1950 directing eviction of the persons found to be in unauthorized occupation of public utility land by orders dated 07.10.2014 and 17.12.2015, copies of which are annexed herewith.

The grievance of the petitioner at this stage is that inspite of the orders of the Sub Divisional Magistrate in proceeding under Section 122-B of the Act, 1950, no follow up action is being taken and the persons who have already been directed to be evicted are still squatting over the public utility land. It is further submitted that several representations have been made to the Collector of the area who in return had also directed the Sub Divisional Officer to take action, but no action has been taken.

The writ petition is disposed of with the direction to the respondent no.2 to get the orders passed under Section 122-B of the Act, 1950 executed if there is no other legal impediment in the same or no interim order is operating against the disposal of the same. In case the respondent no.2 finds that for some valid and legal reason the order of eviction cannot be implemented he shall give reasons thereof by passing a speaking order."

From perusal of the order, it is clear that direction was issued to opposite party to get the order passed under Section 122-B of the U.P.Z.A. and L.R. Act executed if there was no legal impediment.

A compliance affidavit has been filed by State wherein in para no. 9, it has been stated that order of writ Court has been complied

with.

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

Contempt notice stands discharged.

Order Date :- 31.10.2023

V.S.Singh