

**Court No. - 9**

**Case :- CONTEMPT APPLICATION (CIVIL) No. - 5888 of 2023**

**Applicant :- Sarvan**

**Opposite Party :- Shailendra Kumar, S.D.M.**

**Counsel for Applicant :- Daya Shankar Singh, Himanshu Vikram Singh**

**Hon'ble Rohit Ranjan Agarwal, J.**

The writ Court on 14.03.2022 in Public Interest Litigation (PIL) No. 366 of 2022 passed the following order:-

*"Heard learned counsel for the petitioner. Learned Standing Counsel has accepted notice on behalf of respondent nos. 1 to 4 and Shri Bhupendra Kumar Tripathi, learned counsel appearing on behalf of respondent no. 5.*

*In view of the order proposed to be passed today, notices need not be issued to the private-respondents.*

*The petitioner has preferred the present petition inter-alia with the prayer to direct the respondent no.2 namely District Magistrate, Jaunpur to remove the encroachment made by the respondent nos. 6 to 14 over Arazi Gata No. 659 area and Gata No. 499 area .0632 hectare recorded as Pond in Khatauni, which are situated in village-Usrauli, Pargana-Anguli, Tehsil-Shahganj, District-Jaunpur.*

*A preliminary objection has been raised by the learned Standing Counsel appearing on behalf of respondents that the present petition filed by the petitioner directly before this Court is not at all maintainable due to availability of statutory remedy as provided under Section 67 of the U.P. Revenue Code, 2006.*

*In this view of the matter, it is argued that the present petition may be dismissed with liberty to the petitioner to approach the authority concerned.*

*At this point of time, a prayer has been made by the counsel for the petitioner to dismiss the present petition with liberty to the petitioner to approach the authority concerned as provided under section 67 of the U.P. Revenue Code Rules, 2006.*

*Heard counsel for the parties.*

*With the consent of counsel for the parties, the present petition is disposed of finally permitting the petitioner to file an application as provided under section 67 of the U.P. Revenue Code, 2006. If such application is filed by the*

*petitioner within a period of three weeks from today, authority concerned will decide the same expeditiously and preferably within a period of four months after providing an opportunity of hearing to all the parties concerned"*

A compliance affidavit has been filed today which is taken on record.

It is stated that order of writ Court has been complied with and proceedings under Section 67 of U.P. Revenue Code, 2006 has been brought to its logical end. The said fact has been stated in para no 6 of the affidavit.

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 :- 18.10.2023**

V.S.Singh