

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 6160 of 2021

Applicant :- Rama Shankar

Opposite Party :- Shree Rajesh Kumar,D.M.

Counsel for Applicant :- A.P. Singh,Chandan Kumar
Chaturvedi,Kusum Lata

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court, on 08.12.2020, in Public Interest Litigation (PIL) No.1420 of 2020 had passed the following order:-

"Heard learned counsel for the petitioner, learned Standing Counsel for the State, Sri Bhupendra Kumar Tripathi, learned counsel for Gaon Sabha and perused the material available on record.

By means of this writ petition, the petitioner has prayed for a direction upon the respondent-authorities to take action against the respondent no.7 for removing the encroachment made by him over the public road being Gata No.456 situated in Mauja Rasoolpur, Pargana and Tehsil Sagdi, District Azamgarh and restore the public road.

The sole grievance of the petitioner is that the petitioner alongwith other villagers has made a representation on 31.07.2020 before the respondent no.5 to evict the respondent no.7 from the land in dispute. He further submits that after lapse of more than 3 months from the date of representation filed by the petitioner, no action has been taken by the respondent-authorities and the said representation is still pending consideration. He further submits that the representation of the petitioner may be directed to decide expeditiously in accordance with law.

Learned Standing Counsel does not dispute the aforesaid contention and states that in case the said representation is still pending, the same shall be considered and disposed off in accordance with law.

Having considered the facts and circumstances of the case, but without prejudice to the merits of the case, the writ petition is finally disposed off with direction to the respondent no.2 to consider and decide the representation dated 31.7.2020 pending before it, in accordance with law within a period of two months from the date of production of copy of this order."

From the perusal of the aforesaid order, it is clear that a direction was issued to the opposite party to decide the representation.

An affidavit of compliance has been filed on behalf of the opposite party, wherein in para 6, it has been stated that the

representation of the applicant has been decided by a reasoned and speaking order dated 16.11.2023, copy of which has been brought on record as Annexure 2 to the said 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.

Bailable warrant issued to the opposite party stands discharged.

Order Date :- 14.12.2023

SK Goswami