

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 6503 of 2022

Applicant :- Shyam Chandra Mishra

Opposite Party :- Rajesh Chaurasiya, Sub Divisional Magistrate

Counsel for Applicant :- Amrita Singh

Hon'ble Rohit Ranjan Agarwal,J.

1. The writ Court on 27.02.2020 while disposing of the Public Interest Litigation (PIL) No.403 of 2020 passed the following order :

"Heard learned counsel for the petitioner as well as learned Standing Counsel appearing for the State respondents and perused the record.

Present petition has been filed seeking following reliefs:-

(i) Issue a writ, order/direction in the nature of mandamus commanding and directing the Sb Divisional Magistrate, i.e. respondent no. 3 to look into the matter personally and get the plot no. 535 demarcated as per the Village Map.

(ii) Issue a writ, order or direction in the nature of writ of mandamus commanding and directing the respondent no. 3 to evacuate the private respondents over the Gram Sabha Land i.e. Gata No. 535.

Since a statutory remedy is available under Section 67 of the U.P. Revenue Code, 2006, the Court is not inclined to entertain the petition. The petitioner is permitted to file a comprehensive representation to the Assistant Collector who shall, upon verification of facts, initiate a proceeding under Section 67 of the Code, if the facts and circumstances of the case so justify. In the event, such proceeding is initiated, the same shall be considered and decided within a period of four months from the date of representation before it.

It is, however, clarified that all facts shall be subject to due verification and any proceeding that may be adopted will be with due notice to all the affected parties.

With these observations, the petition is disposed off. There shall be no order as to costs."

2. From perusal of the order passed by writ Court, it is clear that the Court has declined to interfere in the matter.

3. As the writ Court itself has declined to interfere, no case for contempt is made out.

4. The contempt application is misconceived and stands dismissed.

Order Date :- 2.12.2023

Kushal