

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7625 of 2023

Applicant :- Bharat Kumar Singh

Opposite Party :- Smt. Deeksha Mishra, Tehsildar And 2 Others

Counsel for Applicant :- Rohit Singh Parmar

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court on 25.08.2022 in Public Interest Litigation (PIL) No. 1500 of 2022 passed the following order:-

"Heard Sri Anand Bhaskar Srivastava, learned Standing Counsel for the State respondents:

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

"1.Issue a writ, order or direction in the nature of writ of mandamus commanding the respondent nos. 2 and 3 to take necessary action for removal of the illegal construction raised by respondent no. 5 on 'Banjar' (Gram Sabha) Land bearing Arazi No. 24 area about 0.091 hectare and arazi no. 23(Kha) area about 0.023 hectare, situated at village-Kasaiyawar, Pargana Kewai, Tehsil Handia, District Prayagraj."

Learned Standing Counsel have raised a preliminary objection regarding maintainability of the writ petition on the ground that petitioner has efficacious alternative remedy to approach revenue authority under Section 67 of the U.P. Revenue Code, 2006.

In view of above, this Court declines to interfere in the matter at this stage with liberty to the petitioner to approach appropriate forum under Section 67 of the U.P. Revenue Code, 2006. It is provided that in the event petitioner approaches the appropriate forum by moving application within a period of four weeks from today, the same shall be considered and disposed by the concerned authority strictly in accordance with law by following the procedure as prescribed for under U.P.Revenue Code, 2006, and the Rules 2016 after affording full opportunity of hearing to all the concerned parties within a further period of two months, strictly in accordance with law.

With these observations and directions, this writ petition stands disposed of."

From perusal of the order, it is clear that writ Court had declined to interfere in the matter.

As the writ Court had declined to entertain the PIL, no case for contempt is made out.

The contempt application is misconceived and is hereby dismissed.