

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 6976 of 2022

Applicant :- Talukdar

Opposite Party :- Sri Manish Kumar Verma, District Magistrate,
Jaunpur

Counsel for Applicant :- Vijay Bahadur Yadav, Amar Singh Yadav

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 25.02.2019 in Public Interest Litigation No. 412 of 2019 passed the following order;

"Heard learned counsel for the petitioner as well as learned Standing Counsel appearing for the State respondents and Sri Manoj Kumar Yadav, learned counsel for the respondent-Gaon Sabha and perused the record.

With the consent of the parties, the writ petition is disposed of at the admission stage.

Present petition has been filed with a prayer to direct the respondents no. 2 to 4 to remove illegal encroachment from arazi no. 163 ka, 157, 158, 36, 40, 46 (all arazi recorded as Bhita in revenue record) and arazi no. 74, 38, 159, 149 92 (all arazi recorded as Nala in revenue record), araji no. 82, 156, 179 ka (all arazi recorded as Rasta in revenue record), arazi no. 33, 49, 167, 182 kh (all arazi recorded as naali and nalkup in revenue record) arazi no. 169 (Chak Marg) all the above noted araji are situated in Gram Sabha Saharma and arazi no. 821 (Nala) Araj no. 716, 718, 770, 774 (all arazi recorded as Bheeta in revenue record) the above noted arazi are situated in Gram Sabha Pureswan which is encroached by the respondent no. 7 to 20.

In view of the aforesaid, it would serve no purpose to keep the writ petition pending, and therefore, it is directed that petitioner may submit a representation before the Assistant Collector bringing the relevant facts regarding encroachment over the aforesaid plot to the notice of the concerned Assistant Collector who, if no proceedings under Section 67 of the Uttar Pradesh Revenue Code, 2006 have already been registered in relation to encroachment over the said plot, on receiving the aforesaid representation shall inquire into the allegations made by the petitioner after following the procedure prescribed under Section 67 of the Uttar Pradesh Revenue Code, 2006 read with Rule 67 of the Uttar Pradesh Revenue Code Rules, 2016 and pass appropriate orders within a period of three months from the date when the aforesaid representation is filed by the petitioner. In case the allegations of the petitioner are found to be true the Assistant Collector shall ensure that the encroachments over the Gaon Sabha land are removed within a period of one month thereafter unless the order of Assistant Collector is stayed by any superior authority or court in any appeal or revision filed against the order of Assistant Collector.

Insofar as the encroachment on rasta, naali and chark marg in question is concerned, authority concerned is at liberty to remove such encroachment in exercise of its powers under Section 26 of the U.P. Revenue Code, 2006.

It is clarified that this Court has not adjudicated upon the merits of the claim as raised by the petitioner in the present writ petition.

With the aforesaid directions, the writ petition is disposed of."

A compliance affidavit has been filed by the State wherein it has been stated that the order of writ Court has been complied by the opposite party and necessary orders under Section 67 of the U.P. Revenue Code, 2006 had been passed, copy of which has been brought on record as annexure No. 1 to the compliance affidavit.

As the proceedings under Section 67 of U.P. Revenue Code, 2006 had been concluded and final orders had been passed, no case for contempt is made out.

Contempt application is misconceived and stands dismissed.

Contempt notice stands discharged.

File consign to record.

Order Date :- 28.10.2023

Shekhar