

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7800 of 2023

Applicant :- Smt. Asharfi Devi

Opposite Party :- Vipin Kumar Dwivedi, Sdm

Counsel for Applicant :- Anubhav Sinha, Amaresh Sinha

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 28.04.2023 in Writ-C No. 13476 of 2023 passed the following order:-

"Heard Sri Siddharth Nandan, learned counsel for the petitioner and Sri Shiva Kant Dubey, learned Counsel for the State-respondents.

The petitioner has prayed for the following relief in the instant writ petition:

"I. To direct Sub District Magistrate, Deoria to decide the Application dated 09.12.2022 filed under Section 24 of U.P. Revenue Code, 2006, by the Petitioner for carrying out the demarcation in pursuance of decree and judgment dated 06.07.2007 and the 'Kurra' prepared in Suit No. 59 of 2005 [Ramayan vs. Sunil Kumar Shahi] under Section 176 of UPZALR Act, or else the Applicant shall suffer irreparable loss and injury.

II. To direct the Respondents not to interfere in the peaceful possession of the Applicant."

From the perusal of the application which the petitioner alleges to have been filed on 09.12.2022 under Section 24 of the U.P. Revenue Code, 2006, it is apparent that the said application is not an appropriate application under Section 24 of the U.P. Revenue Code and no fees as provided under Section 24 (1) is deposited. In fact, this application appears to be an application seeking implementation of the orders dated 02.04.2008 and 20.07.2008 passed in Suit No. 59 of 2005 filed under Section 176 of U.P. Zamindari and Abolition Act, 1950. At this stage, the learned Counsel for the petitioner seeks for withdrawal of this petition with liberty to file appropriate application under Section 24 (1) of U.P. Revenue Code, 2006.

The petitioner herein is a subsequent purchaser, who had purchased 1/3rd portion of Khasra Plot No. 852M being 0.403 Hectare vide registered sale deed dated 23.08.2014.

In view of the aforesaid and without expressing any opinion on the merits of the case of the petitioner the instant petition is dismissed as withdrawn with liberty to the petitioner to file appropriate application under Section 24 (1) of the U.P. Revenue Code, 2006. In case, the petitioner files an appropriate application within three weeks from today alongwith a certified copy of this order, the same shall be disposed of by the respondent no. 1 in accordance

with law expeditiously, preferably within a period of next three months from the date of application."

From perusal of the order, it is clear that writ petition was dismissed as withdrawn giving liberty to the applicant to move application under Section 24(1) of U.P. Revenue Code, 2006.

As the writ petition was itself dismissed as withdrawn, no case for contempt is made out.

The contempt application is misconceived and is hereby dismissed.

Order Date :- 26.10.2023

V.S.Singh