

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 8017 of 2023

Applicant :- Mukund Singh

Opposite Party :- Mr. B. Ajeet Reddy., Defence Estate Officer
And 3 Others

Counsel for Applicant :- Aakansha Singh Chandraul, Vivek
Mishra

Hon'ble Rohit Ranjan Agarwal,J.

Heard learned counsel for the applicant

Writ-C No.14202 of 2010 was dismissed on the basis of an affidavit of compliance filed by the opposite party on 22.05.2019 and following order was passed:-

"Heard the learned counsel for the petitioner, Mr. Vivek Shandilya, Senior Counsel assisted by Sri Manish Pandey , learned counsel for the respondent.

Supplementary counter affidavit filed today on behalf of respondent no. 7 is taken on record.

This order has been filed , inter alia, for the following relief:

"To issue a writ, order or direction in the nature of mandamus commanding and directing the respondent nos. 2 and 3 to fix the demarcation pillar surrounding the land in dispute in accordance with map provided to the petitioner along with No Objection Certificate dated 7.9.1981 by the respondent no. 2 ad the respondent no. 2 and 3 may be restrained from interfering in peaceful use of land is dispute by the petitioner."

Learned counsel for the respondent no. 2, while referring to the averments made in para 6 of the Second Affidavit of compliance filed on behalf of the respondent no 2, submitted that the area of the petitioner has been demarcated by erection of boundary pillars as per the map available with him. He further submits that since the grievance of the petitioner has been

satisfied, now no cause of action survives in the matter and the writ petition is liable to be dismissed.

In view of the averments made in the aforementioned affidavit of compliance and the submissions made by the learned counsel for the respective parties the writ petition stands dismissed as no cause of action survives in the matter."

Learned counsel for the applicant is relying upon the correspondence made by the applicant with the Defence Authority in the year 2019, which is after the date of order of writ Court. According to him, the demarcation had not taken place.

This Court finds that in the order of the writ Court, it has been stated that the demarcation has been carried out and boundary pillars, as per the map, has been raised.

Once, the writ Court had found that the compliance had been made and the demarcation proceedings had been concluded, no case for interference by this Court in exercise of power under Section 12 of the Contempt of Courts Act is made out.

Contempt application is misconceived and the same stands dismissed.

However, it is open to the applicant to get the order of the writ Court modified, if any cause of action survives.

Order Date :- 2.11.2023

SK Goswami