

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7679 of 2022

Applicant :- Kuber Ram

Opposite Party :- Shri Uma Shankar Tripathi, Holding Office Of Tehsildar And Another

Counsel for Applicant :- Rajesh Maurya

Hon'ble Rohit Ranjan Agarwal,J.

1. The writ Court on 24.05.2022 while disposing of Writ-C No.10836 of 2022 passed the following order :

"Heard learned counsel for the petitioner and Sri Prem Bahadur Singh, learned counsel holding brief of Sri Rameshwar Prasad Shukla, learned counsel for opposite party no. 5. Learned Standing Counsel has put in appearance on behalf of opposite parties no. 1 to 4.

The petitioner claims to be in possession of revenue plot no. 781 to the extent of 0.03 hect.

It is submitted that he has constructed a house upon the said plot and is enjoying possession over the same since last more than 30 years.

The petitioner is apprehending demolition of his house by the opposite parties as well as the Land Management Committee.

In case the petitioner is in possession over the plot in question and has constructed a house thereon, his construction shall not be demolished and he may not be dispossessed except by following due procedure of law.

The writ petition is disposed of accordingly."

2. From perusal of the order passed by writ Court it is clear that in case the applicant is in possession over the plot in question and has constructed a house, the same shall not be demolished and he shall not be dispossessed except by following due procedure of law.

3. An affidavit has been filed by the State wherein in paras 8 and 9 it has been stated that over plot Nos.780 and 781, statues of Dr. Bheem Rao Ambedkar and Buddha have been constructed and there are four pillars standing on the said plot. Further no house has been constructed over the said plots by the applicant.

4. In view of the said fact as the affidavit has come from the State side disclosing the fact that the land in question has not been encroached by the State nor the applicant is in possession, the contempt application has rendered infructuous and stands **dismissed**.

Order Date :- 20.11.2023

Kushal