

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 8880 of 2023

Applicant :- Shreeram

Opposite Party :- Gyan Prakash Gupta, S.D.M.

Counsel for Applicant :- Manoj Kumar, Ram Vinay Kumar

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 08.07.2022 in Public Interest Litigation (PIL) No.1028 of 2022 had passed the following order:-

" Heard learned counsel for the petitioner, learned Standing Counsel for the State respondents and Sri Rameshwar Prasad Shukla, learned counsel for the respondent Gaon Sabha.

Learned counsel for the petitioner is permitted to correct the prayer forthwith.

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

"i. Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 and 3 to remove the encroachment of the respondent no. 5 and 6 over the Khata No. 347 and plot No. 233 area 0.1210 Hectare recorded as Chak marg in Village Daudpur, Anaura, P.S. Rani Ki Sarai, Pargana Nizamabad, Tehsil Sadar, District Azamgarh, which is used by Villagers, under Section 67 Revenue Code, 2006.

Learned counsel for the Gaon Sabha as well as 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.

Learned counsel for the petitioner could not dispute the aforesaid legal position.

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 the aforesaid observations and directions, this writ petition stands

disposed of."

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

As the writ Court had declined to interfere in the matter, present contempt application is misconceived and the same stands dismissed.

Order Date :- 15.12.2023

SK Goswami