

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 8790 of 2023

Applicant :- Bansraj And 7 Others

Opposite Party :- Sri Gaurav Rathi, D.M.

Counsel for Applicant :- Pavan Kumar Srivastava, Pankaj Kumar

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 25.01.2012 while passing interim order in Writ-C No.3155 of 2012 had passed the following order:-

"The writ petition is directed against the order of correction in the revenue records passed in exercise of powers under Section 39 of the U.P. Land Revenue Act. Petitioner has lost from all the three courts.

Challenging the above orders, the submission of the learned counsel for the petitioners is that the impugned orders are within the teeth of the order of the Assistant Consolidation Officer dated 11.12.1965 by which the names of the petitioners were directed to be recorded. The said order has become final and conclusive. Once the question regarding recording of the names of the petitioners has been finalized in the consolidation proceedings, there appears to be no justification for making any correction under Section 39 of the Act.

Learned Standing counsel has accepted notice on behalf of respondents no. 1 and 2. Sri Anuj Kumar has accepted notice on behalf of respondent no. 4. Sri H.P. Shukla has appeared for respondent no. 3.

All the respondents are directed to file counter affidavit within six weeks. Two weeks thereafter are allowed to the petitioners for filing rejoinder affidavit.

List for admission/final disposal on the expiry of the above period.

Till the next date of listing, parties shall maintain status quo over the land in dispute."

It is contended on behalf of the applicants that the land in question has been acquired by the State through Collector. According to him, a *prima facie* case for contempt is made out as the interim order is existing as on date and the parties were directed to maintain *status quo* over the land in dispute.

From the perusal of the order passed by the writ Court as well as array of parties of the writ petition, it is clear that the State of U.P. was not made party through Collector in the writ petition,

as such, interim order is not binding upon the State.

In view of the said fact, no case for contempt is made out.

Contempt application is misconceived and the same stands dismissed.

Order Date :- 5.12.2023

SK Goswami