

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 8718 of 2023

Applicant :- Surendra Kumar

Opposite Party :- Mr. Shyam Pratap Singh, S.D.M. And Another

Counsel for Applicant :- Tara Chand Kaushal

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court on 15.03.2023 while disposing of the Writ-C No.3832 of 2023 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 No.4.

Grievance of the petitioner is that his house is situated in khasra plot No.305M, which is an abadi land but Village Pradhan of village has proposed construction of a water tank under "Jal Shakti Mission Yojna" earmarking the house of the petitioner and thus, the house of the petitioner is being attempted to be demolished.

A personal affidavit of the respondent No.4 has been filed today, which is taken on record. In paragraph-5 of the aforesaid personal affidavit, the Village Pradhan namely Ravidev son of Heeralal has stated, as under:

"5. That apart from above the deponent wants with the permission of this Hon'ble Court to submit that the proposed "Jal Shakti Mission Yojna" of the Government of India. The Land Management Committee/ Respondent No.4 only passed a resolution on 02.11.2022 to allot the plot numbers 305Gha, area 0.055 hectare of Usar khata as well as plot no.305J area 0.071 hectare of Naveen Parti Khata jointly for the purpose of "Pani Ki Tanki" which is sufficient area for the installation of the same."

Thus, as per stand taken by the respondent No.4, the land proposed for construction of water tank under "Jal Shakti Mission Yojna", is of khasra plot No.305gh measuring 0.055 hectare recorded as Usar and khasra Plot No.305J measuring 0.071 hectare recorded as Naveen Parti. Learned counsel for the respondent No.4 further states on instructions that the respondents are not interfering with the house of the petitioner and the water tank has been proposed on the land different from the house of the petitioner. He, therefore, submits that no cause of action arose to the petitioner to file the present writ petition.

In view of the statement made by learned counsel for the respondent No.4 as aforesaid as well the contents of paragraph-5 of the personal affidavit, this writ petition is disposed of in terms thereof.

Personal presence of respondent No.4 is exempted."

From the perusal of the aforesaid order, it is clear that the water tank which has been proposed for construction is on the land of the Gaon Sabha, which has been recorded as usar and navin parti and not the land of the applicant.

No case for contempt is made out.

Contempt application is misconceived and the same stands dismissed.

Order Date :- 2.12.2023

SK Goswami