

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 8921 of 2023

Applicant :- Vimla Devi

Opposite Party :- Akash Singh,S.D.O. And Another

Counsel for Applicant :- K.C. Mishra

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court on 12.05.2023 in Writ-C No. 8204 of 2023 passed the following order:-

"1. Heard learned counsel for the parties.

2. The grievance of the petitioner is that she was not being delivered possession over the land in respect whereof lease was granted in her favour.

3. This Court passed the following order on 17.03.2022:

"Heard Sri K.C.Mishra, learned counsel for the Petitioner, learned Standing counsel appearing for Respondent Nos. 1 to 3 and Sri Azad Rai, learned counsel appearing for Respondent No. 4.

Learned Counsel for the Petitioner has submitted that the Land Management Committee of Village Tiwarajampur, Tehsil Manjhanpur, District Kaushambi granted lease in favour of the Petitioner in Gata No. 569 (M) for 0.1140 hectare land. Learned counsel for the Petitioner has further submitted that Respondent Nos. 5 & 6 preferred an application under Section 128 of the U.P. Land Revenue Code, 2006 for cancellation of lease granted in favour of some other persons in land over Gata No. 569 (M) and on said application, case was registered bearing No.D202002420000395 and the same has been decided by the Additional District Magistrate (Judicial), District Kaushambi vide order dated 27.10.2020, whereby the application for cancellation of the lease has been rejected.

Respondent Nos. 5 & 6 have assailed the aforesaid order dated 27.10.2020 by filing Revision No. 367 of 2021, which is pending before the Board of Revenue, U.P. at Allahabad.

Learned counsel for the Petitioner has submitted that neither there is any interim order in the aforementioned Revision nor Petitioner has been impleaded as Respondent in the said revision for the simple reason that the Revisionists i.e. Respondent Nos. 5 & 6 have not raised any grievance against the lease granted in favour of the Petitioner but the Respondent Nos. 2 & 3 in most arbitrary and illegal manner are not delivering the possession of the land for which lease has been granted in favour of the Petitioner.

Prima-facie arguments advanced by the learned counsel for the Petitioner

appears to be convincing.

In the aforesaid circumstances, I hereby direct the learned Standing Counsel to seek complete instructions in the matter as to when there are no proceedings pending in respect of lease granted in favour of the Petitioner then why he is not being put in possession over the land for which the lease has been granted in his favour.

List this case as fresh on 28.03.2023."

4. Pursuant to the aforesaid order, learned Standing Counsel has placed instructions, which are taken on record. The instructions reveal that the petitioner has been delivered actual and physical possession over the land in respect of which, the lease was granted to her.

5. Learned counsel for the petitioner does not dispute the said position and states that the possession has been delivered to the petitioner.

6. Shri Sudhanshu Pandey, learned counsel for respondent Nos. 5 and 6 is present and his vakalatnama is also on record. Shri Sudhanshu Pandey, learned counsel seriously disputes the factum of delivery of possession in favour of the petitioner and submits that there are various other proceedings pending in relation to the lease granted in favour of various persons and the fact of said proceedings has been concealed by the petitioner. He also submits that there is some interim order passed in the proceedings pending before the Board of Revenue.

7. Be that as it may, since the factum of delivery of possession is being disputed by the learned counsel for respondent Nos. 5 and 6, but a contrary stand is being taken by the petitioner that she has been delivered possession of the land, this Court is not making any observation or finding with regard to actual and physical possession over the property in dispute.

8. Let a counter affidavit be filed by private-respondent Nos. 5 and 6 within a period of one month. No counter affidavit is required from the State-authorities.

9. Put up this case as fresh before the appropriate Bench on 05.07.2023.

10. This case shall not be treated as tied up or part heard to this Bench"

From perusal of the order, no case for contempt is made out as the writ petition is still pending.

The contempt application is misconceived and stands dismissed.

Order Date :- 15.12.2023

V.S.Singh