

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1667 of 2023

Applicant :- Ram Autar

Opposite Party :- Shri Narayan Singh, S.D.M., Hardoi

Counsel for Applicant :- Pawan Kumar Pandey

Counsel for Opposite Party :- Bhagwati Prasad Nigam, Anurag Shukla

Hon'ble Rajesh Singh Chauhan, J.

1. Heard Sri Shashank Singh, holding brief of Sri Pawan Kumar Pandey, learned counsel for the petitioner, Sri Amrendra Pratap Singh, learned Addl. Chief Standing Counsel and Sri V.P. Nigam, learned counsel, who has filed impleadment application.

2. The aforesaid impleadment application was filed on 19.09.2023 and was put up before the Court on 21.09.2023 but the same is not available on record, therefore, office is directed to place the aforesaid application on record forthwith.

3. Sri V.P. Nigam has drawn attention of this Court towards the order of the writ court dated 04.08.2022 passed in Writ-C No.4972 of 2022, which reads as under:-

"In view of the order proposed to be passed notice to Respondents 6 and 7 is dispensed with.

Heard Sri Bajrangi Verma, learned counsel for the Petitioner, Sri Sandeep Srivastava, learned Additional Chief Standing Counsel for the State-Respondents and Sri Dilip Kumar Pandey, learned counsel appearing on behalf of Respondent 5.

This writ petition has been filed praying inter alia praying inter alia the following relief:

"To issue a writ in the nature of mandamus directing to the opposite party no. 4 to register an (sic) decide expeditiously within stipulated of the case of the petitioner filed before the opposite party no. 4 on 7.05.2022 contained as Annexure no.- 1 to the writ petition."

It is alleged that Mamta Devi, the village Pradhan, Respondent 6 herein, and her husband Shiv Mohan, Respondent 7 herein, are neither the owners nor the tenants of the land in question, which is situated in Village Machuapur, Gram Sabha Babatmau Seesala, Tehsil Bilgram, District Hardoi. They are in fact trespassers and unauthorised occupants of the land relating to Gata No. 2210 measuring 0.1560 hectares (recorded as

barren land) and Gata No. 2211 measuring 0.1900 hectare (recorded as naveen parti) situated in the said village. Respondents 6 and 7 are alleged to have encroached upon the aforesaid land and constructed a house thereon.

The learned counsel for the Petitioner has contended that the Petitioner is a permanent resident of the village. He has moved several representations to the revenue authorities, including the Sub-divisional Magistrate, Respondent 3 herein, for getting the encroachment from the Gram Panchayat land removed but till date no action has been taken by the authorities concerned. Representations made by the Petitioner to the authorities have been jointly annexed as annexure 4 to the writ petition.

Looking into the nature of controversy involved, liberty is granted to the Petitioner to make a representation under Section 67 of the Uttar Pradesh Revenue Code, 2006, along with a certified copy of this order, to Respondent 3 regarding the encroachment made by Respondent 6 and 7 over the Gram Panchayat land within two weeks from today.

On a representation being made, Respondent 3 shall expeditiously consider and decide the same by a reasoned and speaking order, strictly in accordance with law, say within a maximum period of one month from the date of receipt of the representation.

In case Respondent 3 finds that the land in question is a barren/public utility land, and the same is in unauthorised occupation of Respondent 6 and 7 or any other person, he shall initiate appropriate proceedings against them and conclude the same expeditiously.

With the aforesaid observations/directions, the writ petition is finally disposed of."

4. Sri Nigam has further submitted that the proceedings under Section 67 of the U.P. Revenue Code, 2006 have been concluded; thereafter, the aggrieved person has filed appeal under Section 67 (5) of the U.P. Revenue Code, 2006 before the Collector, Hardoi, which is pending consideration before the Additional Collector. The aforesaid information has been filed as Annexures No.1 & 2 to the impleadment application as learned counsel for the impleadment seeker Sri V.P. Nigam has shown his copy to the Court.

5. Sri Amrendra Pratap Singh, learned Addl. Chief Standing Counsel has also stated that the proceedings under Section 67 of the U.P. Revenue Code, 2006 have already been decided, against which the appeal is pending.

6. In view of the aforesaid facts and circumstances, there is no purpose to keep this contempt petition pending any longer.

7. Accordingly, this contempt petition is **dismissed**.

8. Notice, if any, stands discharged.

9. However, it is always open to any aggrieved person to approach the appropriate court of law, if he/she feels himself/herself aggrieved from that order.

[Rajesh Singh Chauhan,J.]

Order Date :- 17.10.2023

RBS/-