

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1941 of 2023

Applicant :- Gokran Prasad

Opposite Party :- Indra Mani Tripathi, Vice Chairman Lko. Development Authority, Lko.

Counsel for Applicant :- Mahesh Gupta, Jyoti Rajpoot

Hon'ble Rajesh Singh Chauhan, J.

1. Heard Sri Mahesh Gupta, learned counsel for the petitioner and Sri Ratnesh Chandra, learned counsel for the Lucknow Development Authority.

2. Attention has been drawn towards the order dated 10.5.2023 passed in Writ-C No. 1403 of 2023 which reads as under :

"Counter affidavit was directed to be filed on 22.02.2023. Till date no counter affidavit has been filed by the Lucknow Development Authority.

The allegation of demolition of boundary wall is against the Lucknow Development Authority. The apprehension is that the one room constructed on the land will also be demolished.

On being asked to show the order by which demolition may have been ordered by the Lucknow Development Authority, none could be shown by Counsel for the L.D.A., therefore, till the next date of listing, we provide that the construction, if any, existing on Gata No. 260, 261/2, 268 and 270 shall not be demolished unless proper procedure as prescribed in law is followed and there are good reasons for passing such an order of demolition, especially as, the petitioner claims that after demarcation proceedings under Section 24 of the U.P. Revenue Code, 2006, the construction is within the boundaries of the aforesaid gata's.

However, it is open for the opposite parties to undertake an exercise for demarcation of the aforesaid boundaries of aforesaid gata's if it has not already been done and if based on the said exercise it is found that any land is being encroached by the petitioner then process as prescribed in law can be undertaken.

List/Put up this matter in the second week of July, 2023."

3. The aforesaid writ petition is still pending.

4. Sri Chandra has filed the counter affidavit on behalf of Lucknow Development Authority along with an application for dismissal of contempt petition, same is taken on record.

5. The aforesaid counter affidavit has been filed by Sri Indramani Tripathi, Vice Chairman, L.D.A.

6. Sri Chandra has precisely drawn attention of this Court para 4 of the aforesaid affidavit by submitting that there is no disobedience of the direction being issued by this Court on 10.5.2023 (supra). For the convenience para 4 of the counter affidavit is being reproduced herein below :

"That infact in the garb of these Gata No. 260, 261/2, 268 and 270 Village Bhadewan, the petitioner has encroached over piece of land which is recorded as graveyard belonging to Improvement Trust. Over the said piece of land one room was constructed unauthorized and illegally which has been demolished by the Lucknow Development Authority on 18.09.2023. The deponent is filing herewith the copy of the Super Imposed Plan in respect of the Gata No. 260, 261/2, 268 and 270 Village-Bhadewan, which clearly shows it to be 'Jamuna Jheel' with water as of now. The said Super Imposed Plan also shows the alleged unauthorized construction of the petitioner which has been demolished by the Lucknow Development Authority is filed herewith as Annexure CA-1 to this Counter Affidavit.

It is further submitted that prior to the demolition exercise which was conducted on 18.09.2023, a Joint Inspection was conducted on 16.09.2023 by the team of Revenue Authorities and Lucknow Development Authority where it was found that the petitioner has raised unauthorized construction over Plot No. 153 which is a graveyard and belongs to Improvement Trust. This Plot No. 153 as per (1332 Fasli) is in Mauja Karhita at 332(P) & 334 (P). A copy of the Spot Memo dated 16.09.2023 along with Najri Naksha is filed herewith Annexure CA-2 to this counter affidavit."

7. In the wake of the aforesaid development nothing remains to be adjudicated in this contempt petition, accordingly, the contempt petition is **dismissed**.

8. Notices discharged.

9. However, the petitioner may put up his grievance in the pending writ petition.

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[Rajesh Singh Chauhan, J.]

Order Date :- 10.10.2023

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