

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2349 of 2019

Applicant :- Rama Shankar Dubey

Opposite Party :- Sri Mahendra Kumar Sub Divisional Officer
Kadipur Sultanpur

Counsel for Applicant :- Rajesh Kumar Shukla, Akhilesh
Kumar Shukla

Counsel for Opposite Party :- C.S.C.

Hon'ble Rajesh Singh Chauhan, J.

1. Heard Sri Rajesh Kumar Shukla, learned counsel for the petitioner and Sri Ram Swaroop, learned Standing Counsel for the State respondents.

2. On 03.05.2019 following order was passed which is reproduced hereunder:-

"Heard learned Counsel for the petitioner and learned Standing Counsel for the respondents.

This writ petition has been filed alleging the construction of road on Gata No.-287/0.281 situated at Village Saidpur Kala, Pargana Aldeymau, Tehsil Kadipur, district Sultanpur.

Learned Additional Chief Standing Counsel submit that it seems to be some dispute over the boundary. Construction of the wall by the petitioner, may not be on his land but outside.

In any case, if there is some issue in regard to the location of the land, the respondents are directed to first make assessment of the aforesaid and then to construct the road. It should be after avoiding the land belonging to the petitioner if come in the road unless settled it with the petitioner on the payment for compensation and if he denies then to acquire the land. This would be subject to the assessment of the boundary and if the land of the petitioner comes in the road and not otherwise, but before carrying out further work the compliance of the order would be made first by the respondents i.e. with regard to the assessment of boundaries of the land of petitioner and the Government.

An effect of the order would come only on service of copy of this order by the petitioner on the respondents.

A copy of this order be given to learned Counsel for the petitioner today itself.

The petition is disposed of with the aforesaid."

3. Learned Standing counsel has drawn the attention of this Court towards paragraph 5, 6 and 7 of the affidavit of

compliance filed on 13.11.2019 filed by the Sub-divisional Magistrate, tehsil- Kadipur District- Sultanpur, whereby it has been categorically indicated that the order of the writ Court has been complied with and a copy of the order dated 01.08.2019 has been enclosed as annexure no. A-1. Copy of the enquiry report dated 07.08.2019 is enclosed as annexure no. A-2 and a copy of the order dated 09.08.2019, wherein it is evident during the assessment the land of the petitioner gata no.287/0.281 hectare was not affected due to construction of road, the same has been enclosed as annexure A-3.

4. No reply/objection to the affidavit of compliance has been filed till date, therefore it may be presumed that order of the writ Court has been complied with.

5. In the wake of aforesaid development nothing remains to be adjudicated by this Court in this writ petition.

6. Accordingly the contempt application is **dismissed**.

7. Notices, if any, stand discharged.

8. However it is always open to the petitioner to adopt legal recourse if his grievance is still unaddressed.

Order Date :- 8.12.2023

Vipul