

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2825 of 2023

Applicant :- Ram Dutt And Another

Opposite Party :- Shri Anil Garg, Addl. Chief Secy. Deptt. Of Irrigation And Water Resource, Lko.

Counsel for Applicant :- Prabhat Kumar Upadhyay, Amit Kumar Singh, Sumit Kumar Sharma

Hon'ble Rajesh Singh Chauhan, J.

1. Heard learned counsel for the applicant and Sri Mayankar Singh, learned Standing Counsel for the State.

2. Sri Singh has drawn attention of this Court towards the application for dismissal of the contempt petition supported with an affidavit filed on 16.10.2023 showing para 7 to 10 of the aforesaid affidavit wherein it has been indicated that the petitioner has been paid compensation to the tune of Rs. 8,27,200/- as the aforesaid compensation has been paid strictly in accordance with law. Moreover, an amount of Rs. 10591/- has been paid to the petitioner in the head of damages for his standing crops, accordingly the petitioner was paid Rs. 8,37,791/-. Thereafter, the petitioner executed the sale-deed in favour of the State Government. As per opposite parties it was the actual amount which ought to be paid to the petitioner in terms of the order of the writ court.

3. Replying the aforesaid contention learned counsel for the petitioner has indicated in para 7 and 10 of his rejoinder affidavit that the damages has not been calculated in terms of para 5 of the Government Order dated 19.3.2015. However, he has not disputed that the petitioner has been paid a sum of Rs. 8,37,791/- including the damages of standing crop for one year.

4. Be that as it may, when the petitioner after accepting the amount of compensation and damages sold out the property to the State Government through sale-deed dated 23.2.2023, then nothing remains to be adjudicated in the present contempt petition.

5. Accordingly, the contempt petition is **dismissed**.

6. Notices discharged.

7. However, it is always open for the petitioner to claim the damages, if the same has not been paid as per the Government Order inasmuch as for the aforesaid factual dispute no adjudication may be done in the contempt proceedings.

Order Date :- 27.10.2023/Om