

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3034 of 2023

Applicant :- Jaiveer Singh

Opposite Party :- Shri Abhinash Singh, D.M., Ambedkar Nagar And Others

Counsel for Applicant :- Sanjay Kumar Singh

Counsel for Opposite Party :- Prabhakar Tiwari

Hon'ble Rajesh Singh Chauhan,J.

1. Heard.

2. This Court has passed the order dated 16.11.2023, which reads as under:-

"1. Heard learned counsel for the petitioner and Sri Prabhakar Tiwari, learned counsel for opposite party no. 2/SDM, Sadar, Ambedkar Nagar.

2. This Court has passed the order dated 15.09.2023 which reads as under:

"1. Heard learned counsel for the applicant/petitioner.

2. Learned counsel for the applicant/petitioner has submitted that this Court has passed order dated 22.05.2023 in Public Interest Litigation (PIL) No.396 of 2023 (Jaiveer Singh and 18 others Vs. State of U.P. and others), directing the competent Revenue Authorities to pass appropriate orders in a proceeding under Section 67 of the U.P. Revenue Code within a time frame prescribed and, the copy of the order dated 22.05.2023 has been served upon the authorities on 02.06.2023, but till date the competent Authority has not decided the aforesaid proceeding, whereas to decide the said proceeding, three months' time has been prescribed under the U.P. Revenue Code.

3. Learned counsel for the applicant/petitioner is directed to provide two copies of the contempt petition to Shri Sunil Bajpayee, Additional Chief Standing Counsel, who shall seek specific written instructions from opposite party no. 2, Mr. Pawan Kumar Jaiswal, Sub-Divisional Magistrate, Sadar, District Ambedkar Nagar within a period of three weeks.

4. Let this matter be listed on 11.10.2023 as fresh."

3. In compliance of the aforesaid order, Sri Prabhakar Tiwari has shown the copies of the orders being passed by the Assistant Collector-Ist Class/opposite party no. 3, whereby the appropriate orders have been passed.

4. However, learned counsel for the petitioner has disputed the aforesaid fact and has submitted that before the Writ Court where the Public Interest Litigation (PIL) was filed, the instruction was provided to the Court that

the illegal encroachment would be removed within 15 days but till date illegal encroachment has not been removed.

5. Be that as it may, if the appropriate orders have been passed and illegal encroachment has been removed, the opposite party no. 2, namely, Sri Pawan Kumar Jaiswal, Sub Divisional Magistrate, Sadar, District Ambedkar Nagar shall file the affidavit of compliance, making compliance of the order of Writ Court in its letter and spirit.

6. List on 14th of December, 2023.

7. On or before 14th of December, 2023, the affidavit of compliance shall be filed by opposite party no. 2, namely, Sri Pawan Kumar Jaiswal, Sub Divisional Magistrate, Sadar, District Ambedkar Nagar, making compliance of the order of Writ Court in its letter and spirit, failing which he shall appear in person on the next date."

3. In compliance of the aforesaid order, Sri Prabhakar Tiwari, learned counsel for the opposite parties has filed affidavit of compliance, the same is taken on record.

4. Sri Prabhakar Tiwari, learned counsel for the opposite parties has drawn attention of this Court towards paras-5, 6, 7 & 8 of the affidavit of compliance showing that the order of the Writ Court has been complied with in its letter and spirit. However, learned counsel vide para-7, it has been indicated that there is one illegal encroacher, namely, Ravindra Singh S/o Sri Vijay Bahadur is having two Rooms and one Baithaka, which could not be demolished due to reason that such person could not make an alternative arrangement, however, such encroachment will also be removed by the Revenue Authorities strictly in accordance with law. The relevant orders have been enclosed as Annexure No.1, 2, 3 & 4 with the affidavit of compliance.

5. In the wake of the aforesaid development, nothing remains to be adjudicated in the instant contempt petition.

6. Accordingly, the instant contempt petition is ***dismissed***.

7. Notices, if any, stand discharged.

8. However, if the petitioner is still aggrieved from any inaction on the part of the Revenue Authorities, he may approach the Competent Court of law.

[Rajesh Singh Chauhan,J.]

Order Date :- 14.12.2023
Suresh/