

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3320 of 2023

Applicant :- Bhaggal

Opposite Party :- Sri Avinash Singh, District Magistrate, Distt-Ambedkarnagar And Others

Counsel for Applicant :- P.K. Mishra

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Sri P.K. Mishra, learned counsel for the petitioner and Sri O.P. Yadav, learned counsel for the opposite party No.3, who has filed affidavit of compliance on behalf of opposite party No.3, today in the Court. The same is taken on record.

2. Attention has been drawn towards the order of the Writ Court dated 28.07.2023, which reads as under:-

"Heard learned counsel for petitioner, learned counsel for the respondents and Sri Mohan Singh, learned counsel for the Gaon Sabha.

Petitioner has approached this Court claiming that Nala running adjacent to his house is overflowing and causing flood in his house.

Learned counsel for the Gaon Sabha states that under Section 26 of U.P. Revenue Code 2006, the petitioner can approach the Tehsildar concerned, who can ensure removal of such obstacle of water course or source of water.

Without entering into merits of the case, petitioner is permitted to make an application under Section 26 of U.P. Revenue Code, 2006 before the respondent no.3/Tehsildar, Tehsil Jalalpur, District Ambedkar Nagar, raising his grievance, annexing therewith a copy of this writ petition along with annexures and all the documents in support of his claim within a period of one week from today along with a certified copy of this order.

In case any such application is filed by petitioner, respondent no.3, shall ensure appropriate action in accordance with law by a reasoned and speaking order within a period of two weeks from the date a certified copy of this order along with application is placed before him.

With the aforesaid directions, present writ petition is disposed of."

3. In compliance of the aforesaid order, the opposite party No.3 i.e. the Tehsildar, Tehsil-Jalalpur, District-Ambedkar Nagar has passed the order dated 27.10.2023 in the proceedings under Section 26 of U.P. Revenue Code, 2006, which has been annexed as Annexure No.1 to the affidavit of compliance.

4. In the wake of the aforesaid development, since the Tehsildar, Tehsil-Jalalpur, District-Ambedkar Nagar has passed the order dated 27.10.2023 (supra), therefore, there is no purpose to keep this contempt petition pending any longer.

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

6. Notices, if any, stand discharged.

7. However, it is always open for the petitioner to take appropriate legal recourse, strictly in accordance with law, if the grievance of the petitioner is still unsatisfied.

8. It is also expected that if any required exercise is yet to take place, the same may take place with expedition.

[Rajesh Singh Chauhan,J.]

Order Date :- 2.11.2023

Suresh/