

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3438 of 2023

Applicant :- Shiv Darshan Bhawan

Opposite Party :- Mr. Anand Kumar Tiwari, Tehsildar, Tehsil-Mohanlalganj, Lko.

Counsel for Applicant :- Gyanoday Shukla

Hon'ble Rajesh Singh Chauhan,J.

1. Heard learned counsel for the petitioner and Sri Ram Swaroop, learned Standing Counsel for the State.
2. Learned Standing Counsel has stated that the order of the writ court has been complied with in its letter and spirit inasmuch as the deponent of the affidavit of compliance i.e. Sri Anand Kumar Tiwari, Tehsildar, Tehsil Mohanlalganj, District Lucknow has stated vide para 5 of the affidavit of compliance that the illegal encroachment has been removed and chak-marg in question is encroachment-free and no illegal encroachment is over Gata no. 136 area 0.031 Hectare. The coloured photographs have been enclosed as C.A.-1 to the affidavit of compliance.
3. On being asked as to why no formal order has been passed by the Tehsildar, learned Standing Counsel has stated that he is not aware as to whether any formal order has been passed by the Tehsildar or not.
4. Since the Tehsildar has filed affidavit of compliance before this Court indicating clearly that the order of the writ court has been complied with, therefore, it was incumbent upon him to pass a formal order to that effect and the copy thereof be provided to the petitioner, so that he can take legal recourse, if it is so required before the appropriate court of law.
5. So the Tehsildar concerned is directed to pass a formal order in compliance of the order of the writ court, if the same has not been passed till date and if any formal order has already been passed, the copy thereof be provided to the petitioner within a week. In any case the copy of the formal order be also provided to the petitioner as directed above.
6. However, considering the affidavit of compliance, so filed by the Tehsildar concerned, nothing remains to be adjudicated by this Court in the present contempt petition.
7. Accordingly, the contempt petition is **dismissed**.

8. Notices discharged.

9. However, if it is found that the aforesaid affidavit of compliance is false, the petitioner may file an appropriate application in the present contempt petition seeking revival of the contempt petition and if the contempt petition is revived the appropriate coercive order may be passed against the concerned authority under the Contempt of Courts Act.

.

[Rajesh Singh Chauhan, J.]

Order Date :- 16.11.2023

Om