Court No. - 71

Case :- CONTEMPT APPLICATION (CIVIL) No. - 4035 of 2017

Applicant :- Anita Devi
Opposite Party :- Asha Ram Verma Tehsildar Tehsil Shahganj Jaunpur
Counsel for Applicant :- Sanjay Kumar

Hon'ble Mahesh Chandra Tripathi,J.

Heard learned counsel for the applicant and learned Standing Counsel.

The applicant is before this Court against the wilful defiance of the order dated 22.2.2017 passed in Writ Petition No.6553 of 2017 (Anita Devi v. State of U.P. & Ors.), which for ready reference is quoted as under:-

"The petitioner has moved an application before the Tehsildar under Section 26 of U.P. Revenue Code, 2006 with specific contention that plot No. 4297 measuring 0.281 hectares which is a public pathway has been encroached by respondent Nos. 4 and 5.

The contention of learned counsel for the petitioner is that no action was taken by the Tehsildar till date. Looking to the nature of the controversy raised by the petitioner regarding encroachment of public pathway, the writ petition is being disposed of with the direction to the respondent No. 3 namely Tehsildar, Shahganj, District Jaunpur to take appropriate steps for removal of encroachment/disposal of the application filed by the petitioner after putting notice to all the parties concerned. An expeditious decision in accordance with law shall be taken preferably within a period of four months from the date of submission of certified copies of this order.

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

In the present matter affidavit of compliance has been filed in the matter on 13.11.2017 bringing on record the order dated 6.11.2017 passed under Section 26 of U.P. Revenue Code, 2006 by which it was directed that the encroachers from public utility land be evicted and as such it is submitted that the writ Court order has been complied with.

Learned counsel for the applicant has alleged that inspite of aforesaid order dated 6.11.2017 till date effective compliance of the writ Court order has not been ensured and still the land is encroached upon by the incumbent against whom proceeding has been finalised.

Considering the facts and circumstances of the case, the opposite party is directed to comply with the writ Court order in question in letter and spirit within one month, if there is no other impediment in this regard.

The contempt application stands **disposed of** accordingly. Notices, if any, stand discharged.

The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad, self attested by the applicant alongwith a self attested identity proof of the said person (preferably Aadhar Card) mentioning the mobile number to which the said Aadhar Card is linked.

The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

Order Date :- 16.12.2020
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