

S.B. CIVIL CONTEMPT PETITION NO.53/2005
Smt. Mooḷi vs. Chetan Kumar and others.

Date : 30.3.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. K.C. Samdaria, for the petitioner.

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Heard learned counsel for the petitioner.

The present contempt petition has been filed by the petitioner alleging that this Court directed the respondents vide order dated 9.12.2004 passed in S.B. Civil Writ Petition NO.5520/2004, to consider the petitioner's case for regularisation of the land in question but the Municipal Board, Sadri has refused to regularise the land on the round that the land in question is revenue land and the Municipal Board is not competent to regularise the land.

According to learned counsel for the petitioner, the Municipal Board itself has issued patta for the land situated in the same locality in favour of one Padam Singh and the petitioner has placed on record copy of patta issued to Padam Singh by Municipal Board as Annex.3. It is also submitted that even for the revenue land falling in the municipal area, the Municipal Board is competent to regularise the land and issue patta.

Since the Municipal Board has taken a decision and

which according to the petitioner is wrong, then the decision dated 6.1.2005 passed by the Municipal Board is required to be challenged by the petitioner and in contempt proceedings, that order cannot be quashed.

In view of the above, this contempt petition is dismissed with liberty to the petitioner to challenge the order dated 6.1.2005 in appropriate proceedings.

(PRAKASH TATIA), J.

S.Phophaliya