

S.B.CIVIL CONTEMPT PETITION NO.6/2000

Devi Lal  
V.  
Prithvi Raj & Ors.

Date of Order        ::        27<sup>th</sup> February, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. J.L.Purohit, for the petitioner.  
Mr. Sudhir Sharma, for the respondents.  
Mr. S.K.Vyas, Govt. Advocate.

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Since July, 2000 this contempt petition, which was filed for initiating contempt proceedings against the respondents for committing the contempt of order dated 30.9.1999 passed by Board of Revenue for Rajasthan, Ajmer, is pending. Notice of the contempt petition was ordered to be issued on 10.10.2000, but yet cognizance of the contempt is not taken.

The factual aspect on basis of which the instant petition for contempt is filed has already been taken into consideration by this Court in SBCivil writ Petition No.1295/2000, Ganpat through his Legal Representatives v. The State of Rajasthan & Ors., decided on 9.10.2000, and while doing so this Court observed as under:-

“All these facts bring me to irresistible conclusion that the petitioners were throughout in possession over the land in question but strangely in the memo of

possession [Annexure/25], the Tehsildar had shown the land to be in possession of respondents No.5/1 to 5/6. In this writ petition also, an allegation has been made by the petitioners that respondent No.6 who is the Village Patwari has been persuaded by Tehsildar to lodge the complaint against the petitioners in respect of their entering into possession unlawfully after the possession was taken by the Tehsildar from the legal Representatives of deceased Gangaram vide Memo of possession [Annexure/25] and are unauthorisedly cultivating the land in question. However, all these facts and history of this litigation clearly go to show that right from the filing of the suit in the year 1976, the petitioners were in possession over the land in question and memo of possession [Annexure/25] appears to have been made to be only a paper report not depicting the true state of affairs and deserves to be set at naught by holding that it does not show the correct state of affairs. However, it is for the superior Officers of the Tehsildar to look in to the matter and to take appropriate disciplinary action against the Tehsildar."

This Court has already made an order for looking into the conduct of Tehsildar for initiating appropriate disciplinary action against him.

At this stage, I am not at all inclined for further prosecuting contempt proceedings in the matter being stall and as the petitioner and the legal

representatives of Shri Ganpat are already in possession of the land in question.

Accordingly, the contempt petition is dismissed. The Rule issued to the respondents also stands discharged.

( GOVIND MATHUR ),J.

kkm/ps .