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THE HIGH COURT OF MADHYA PRADESH
Conc No.2035/2019
Albel Kushwah Vs. Smt. Jayati Singh

Gwalior, Dated : 30.08.2019

Shri H.K. Shukla, Advocate for applicant.

This Contempt Petition under Article 215 of the Constitution of India read with Sections 10 and 12 of the Contempt of Courts Act has been filed complaining violation of order dated 10/11/2017 passed by this Court in Writ Petition No.18264/2017, by which the State was directed not to raise any construction till the representation of the petitioner is decided.

It is the case of the applicant that the State is constructing a road on the land belonging to the applicant. By representation dated 21/5/2018 the applicant had prayed for grant of alternative land. The said application has been rejected by order dated 12/2/2019. It is the contention of the applicant that the respondent has constructed a road on his land, however, in the entire petition it is nowhere mentioned that road has been constructed on the land belonging to the applicant. In paragraph 5, it is merely mentioned that the respondents have started construction of road from Dabra to Pichhore. From the said submission, it cannot be inferred that the construction has been made on the land belonging to the applicant also. Furthermore, the Supreme Court in the case of **State of Tamil Nadu Vs. Dr. Vasanthi Veerasekaran** (Civil Appeal No. 8626 of 2009 decided on

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01.07.2019) has held that in case of land acquisition, alternative site cannot be granted. Thus, in view of the lack of basic averments, this Court is of the considered opinion that no case is made out warranting issuance of notice.

The Contempt Petition is, accordingly, **dismissed**.

Arun*

(G.S. Ahluwalia)
Judge



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