

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 928 of 2023

Applicant :- Sanjay Kumar @ Sanjy

Opposite Party :- Dr. Dinesh Chandra, D.M., Bahraich And Others

Counsel for Applicant :- Sanjay Kumar Mishra

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Shri Sanjay Kumar Mishra, learned counsel for the applicant-petitioner and Shri Mohit Johari, learned Standing Counsel for the opposite parties.

2. By means of the order of the Writ Court dated 28.11.2022 in Writ-C No.8338 of 2022 '*Sanjay Kumar versus State of U.P. and others*' this Court has directed the competent Revenue Authority to conclude the proceedings pending under Section 67(1) of the U.P. Revenue Code, 2006 (hereinafter referred to as "Code") within a period of three months. Thereafter, the Gram Panchayat shall carry out the construction of the water-tank upon the part of land in question.

3. Shri Johari has drawn attention of this Court towards the affidavit of compliance dated 07.07.2023 to show that the proceeding under Section 67(1) of the Code has been concluded on 22.03.2023. Thereafter, the land in question after removing illegal encroachment has been handed over to the competent person of Jal Jeevan Mission as spot memo to that effect dated 01.06.2023 has been enclosed as Annexure No.C.A.-2.

4. However, learned counsel for the applicant-petitioner has stated that despite the aforesaid land having been handed over to the Jal Jeevan Mission, the construction of the water-tank is yet to start. On being asked from learned counsel for the applicant-petitioner as to whether the Gram Pradhan has initiated proper steps in terms of the order dated 28.11.2022, he has stated that a Gram Pradhan has preferred a letter to the District Magistrate but no proper steps have been taken. On being further confronted as to whether the Gram Pradhan of the village have been impleaded as opposite party, learned counsel for the applicant-petitioner has stated that Gram Pradhan has not been impleaded as opposite party.

5. Be that as it may, since the compliance of the order of the

Writ Court dated 28.11.2022 has been completed inasmuch as the proceedings under Section 67(1) of the Code has been concluded and the land in question has been handed over to the Jal Jeevan Mission after removing the illegal encroachment, therefore, nothing survives in the present contempt petition. Accordingly, the present contempt petition is **dismissed**.

6. Notice is discharged.

7. However, it is always open for the applicant-petitioner or any concern to approach the competent authority strictly in accordance with law.

Order Date :- 31.7.2023

Mohd. Sharif