

Court No. - 1

Case :- CONTEMPT APPLICATION (CIVIL) No. - 491 of 2025

Applicant :- Shiv Shankar

Opposite Party :- Ravindra Kumar Mandar, District Collector
And 2 Others

Counsel for Applicant :- Jagannath Singh, Surendra Nath Singh

Hon'ble Salil Kumar Rai, J.

The present application has been filed pleading wilful disobedience of the order dated 28.05.2014 passed by the Writ Court alleging that the said order has been violated by the opposite parties as the encroachment over the Gaon Sabha land has not been removed.

No wilful disobedience of any order passed by this Court can be imputed to the opposite parties.

The applicant may exercise other remedies available to him under law for removal of encroachments over Gaon Sabha plot.

It is not a case for registering proceedings under the Contempt of Courts Act, 1971.

It has been pointed out by counsel for the applicant that in his report dated 30.09.2022, the Lekhpal has reported that the details of plot nos.47 and 48 have been wrongly entered in the revenue records and the said plots should have been recorded as drainage, therefore, the Lekhpal has recommended correction of revenue entries.

It is on the aforesaid plea that the counsel for the applicant pleads that the opposite parties have willfully disobeyed the orders passed by this Court by not removing the encroachments as recommended by the concerned Lekhpal.

The contention of the counsel for the applicant is not acceptable.

Unless the revenue entries are corrected under Section 38 of the Uttar Pradesh Revenue Code, 2006, the persons in possession of the plot nos.47 and 48 cannot be considered as encroachers because encroachments can be removed under Section 67 of the

Uttar Pradesh Revenue Code, 2006 only on the basis of entries in the revenue records.

The contempt application appears to be a case of arm twisting and a means to harass the persons who are in possession of the plots. The application is a misuse of the process of Court.

The application is ***dismissed*** with a cost of Rs.50,000/- which shall be recovered from the applicant as arrears of the land revenue by the Collector, Allahabad within one month from today and the Collector shall report to this Court.

Let a copy of this order be sent to the Collector, Allahabad by the Registrar (Compliance) **within 24 hours**.

Order Date :- 5.2.2025

Priya