

(2011) 08 UK CK 0104
In the Uttarakhand High Court
Case No : CLCON No. 198 of 2011

Sohan Lal and Another

APPELLANT

Vs

Miss Shalini Negi and Others

RESPONDENT

Date of Decision : 11-08-2011

Acts Referred:

Citation : (2011) 08 UK CK 0104

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Sudhanshu Dhulia, J.—Heard Mr. L.P. Naithani, Senior Advocate assisted by Mr. Tapan Singh, Advocate for the Petitioners.

2. There was an order by a Division Bench of this Court passed on 4.3.2011 in Special Appeal No. 55 of 2010 Sohan Lal and Anr. v. Harimohan and Ors. whereby certain directions were given to Tehsildar. The operative portion of order dated 4.3.2011 reads as follows:

We, accordingly, allow the appeal, set aside the judgment and order under appeal and make it absolutely clear that the purport and intent of notice dated 14th November, 2008 was only to demarcate the dividing line in between Khasra No. 276/49 and Khasra No. 276/6/37 and neither the Appellants nor the writ Petitioners can object to such demarcation. It shall be obligatory on the part of the Tehsildar to hear the Appellants and the writ Petitioners-Respondents and to look into all the documents that may be produced by them for the purpose of helping the Tehsildar in effecting such demarcation. Let a fresh notice be issued of the same nature as that of 14th November, 2008 as quickly as possible but not later than four weeks from the date of service of a copy of this order upon the Tehsildar, Rishikesh.

3. The Petitioners allege that consequently there are two joint survey reports and there are contradictions in the same, but ultimately joint survey report dated

30.6.2011 says that Khasra No. 276/49 and Khasra No. 276/6/37 are one in the same plot. According to the Petitioners, this amounts to violation of Court's order dated 4.3.2011. This argument of the Petitioner is entirely misconceived. As far as compliance of order dated 4.3.2011 is concerned, there appears to be No. violation and on the said action or inaction of the Respondents definitely No. contempt is made out. The Petitioner may avail any other remedy, which is so advised, but No. contempt is made out.

4. The contempt petition is therefore dismissed.

5. No order as to costs.