

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 342 of 2023

Applicant :- Harpal

Opposite Party :- Man Singh And 2 Others

Counsel for Applicant :- Jai Prakash Prasad

Counsel for Opposite Party :- Shrey Sharma, Shikhar Tripathi

Hon'ble Rohit Ranjan Agarwal, J.

1. This contempt application under Section 12 of the Contempt of Courts Act has been filed alleging violation of the order dated 25.02.2009 passed in Writ Petition No.9455 of 2009.

2. In para 13 of the contempt application it is stated that the opposite party has taken forcible possession of the land in dispute. A counter affidavit has been filed on behalf of opposite party No.1 wherein specific averment has been made in para 23 that the opposite party has not violated the order passed by the writ court and no possession has been taken. In the rejoinder affidavit filed by the applicant, in para 31, it has been stated that the report of Lekhpal dated 13.12.2022 proves the fact that the forcible possession of the land has been taken by the opposite party.

3. From perusal of the report of the Lekhpal, brought on record by the applicant as Annexure 8 to the contempt application, it is clear that the said report does not mention that any possession has been taken over by the opposite party of the land of the applicant. The present contempt application has been wrongly filed by the applicant on wrong facts.

4. The contempt applications is misconceived and hereby dismissed with cost of Rs.5,000/- which shall be recovered as arrears of land revenue.

5. Contempt notice stands discharged.

Order Date :- 29.11.2023

Kushal