

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 6876 of 2023

Applicant :- Bhajan Lal Ardas And Another

Opposite Party :- Sri Sammohan Das Vaish, Secretary And Another

Counsel for Applicant :- Yadavendra Dwivedi, Alok Kumar Srivastava

Hon'ble Rohit Ranjan Agarwal, J.

1. The writ Court on 21.01.2020 in Writ-C No.1835 of 2020 had passed the following order :

"Learned counsel for the petitioners is permitted to implead Vijay Sharma as one of the respondent in the writ petition during the course of day.

Issue notice to respondent no. 5 returnable within four weeks.

Let all the respondents file response during the aforesaid period.

It has been contended on behalf of the petitioners that in view of the decree of permanent prohibitory injunction passed by the 3rd Additional District Judge dated 25.02.1983 in Civil Appeal No. 695 of 1981, in which development authority is the party, petitioners continues to be in possession.

From the perusal of the order impugned, we find that though the development authority claims to have taken over the possession of the plot but contesting person Mr. Vijay Sharma has not come forward to take possession over the plot in question and on the contrary it is claimed by the petitioner continues to be in possession of the land in question.

In such above view of the matter, let the parties maintain status quo with regard to nature and possession of land, as exists today."

2. From perusal of the order passed by writ Court it is clear that the Kanpur Development Authority has claimed possession over the plot in dispute. One Vijay Sharma has not come forward to take possession of the plot in question. On the contrary, the applicant claims to be in possession over the land in dispute.

3. The writ Court, after hearing rival claims of the parties, had directed the parties to maintain status quo with regard to nature and possession of the land as on date.

4. From perusal of record it transpires that the applicant had failed to prove that they were in possession over the plot in dispute when the writ Court had passed the order and had been evicted forcibly by the Kanpur Development Authority.

5. In view of the said fact, no case for contempt is made out. Contempt application is misconceived and stands dismissed.

6. However, it is open to the applicant to move clarification/modification application before the writ Court, if so advised.

Order Date :- 18.10.2023

Kushal