

Court No. - 39

Case :- WRIT - C No. - 33650 of 2023

Petitioner :- Ram Gopal Gupta

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Mukesh Kumar

Counsel for Respondent :- CSC

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Shiv Shanker Prasad,J.

1. Grievance of the petitioner is, the order dated 19.07.2022 passed by the SDM, Farrukhabad to protect the property of the petitioner (senior citizen) was not implemented.

2. On 31.10.2023, we had passed the below quoted order :

"1. Upon written instructions, Shri Mukul Tripathi, learned Standing Counsel states that according to the respondent, the order dated 19.07.2022 could not be implemented, till date for twin reasons of review application having been filed by the respondent and for reason of his continued absence from the premises.

2. The above stand being taken by the State is surprising. In the first place, it is doubtful if a review application may be maintainable, on merits and it is further doubtful if execution proceedings may be delayed solely for reason of pendency of such a review application when undisputedly there is no interim order operating. Third, it is equally surprising that the respondent-State has failed to execute the order solely because the private-respondent, who stands in the shoes of a judgement debtor, is not cooperating. Coercive measures are available to the State-respondents to be adopted to execute the orders passed by the authorities vested with the competent jurisdiction.

3. Accordingly, one last opportunity is granted to the respondent no. 2 to act in accordance with law keeping in mind the observation made above.

4. Put up as fresh on 21.11.2023.

5. Failing execution of the impugned order, the respondent no. 2 shall file his personal affidavit to explain the legal impediment in executing the order dated 19.07.2022."

3. Today, Sri Mukul Tripathi, learned Standing Counsel states,

the order dated 19.07.2022 has been executed on 19.11.2023 and the possession of the petitioner has been secured.

4. In view of such statement made, the dispute no longer survives. Present writ petition is **dismissed as infructuous**, at this stage in light of the statement made by learned Standing Counsel.

Order Date :- 21.11.2023
Abhilash

(Shiv Shanker Prasad, J.) (S. D. Singh, J.)