

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7536 of 2023

Applicant :- Gaurav Kumar

Opposite Party :- Ravindra Singh, Sub Divisional Magistrate

Counsel for Applicant :- Rahul Kumar Sharma, Saurabh Agarwal

Hon'ble Rohit Ranjan Agarwal, J.

This Court on 17.02.2021 in Criminal Revision No.432 of 2021 passed the following order:-

"The submission of learned counsel for the applicant is that proceedings were earlier initiated against Purshottam Singh, the predecessor-in-title of the applicants, Kalyan Singh and Prabha Chauhan under Section 133 Cr.P.C. vide Case No. 8/2012-13. In those proceedings, it was held that the property was a private property of Purshottam Singh, inasmuch as he had purchased it from one Dujendra Singh, who got it in a family partition. Dujendra's family held the property on a lease. The proceedings were dropped against Purshottam Singh on account that the land, in respect of which encroachment was claimed to be made on a public park, was a private land. Now, proceedings have again been initiated vide order dated 11.01.2021 passed in Case No. 00199 of 2021 under Section 133(1) Cr.P.C. by the Sub Divisional Magistrate, Hathras District Hathras, issuing a conditional order asking the applicants to show cause why their constructions on the children's park be not ordered to be removed. It is submitted by the learned counsel for the applicant that they have acquired the rights of Purshottam Singh against whom in proceedings earlier taken under Section 133 Cr.P.C., it has been held vide order dated 23.11.2019 passed in Case No. 08/2012-13 that the said property is not a public park but a private land. It is argued, therefore, that the proceedings initiated against the applicants are vexatious and an abuse of process of Court.

Mr. Dipak Mishra, learned AGA is granted ten days' time to seek instructions.

Issue notice returnable on 02.03.2021.

List in the additional cause list on 02.03.2021.

Till then, further proceedings in Case No. 00199/2021 State vs. Gaurav Kumar and others under Section 133(1) Cr.P.C. pending before the Joint Magistrate/ Sub Divisional Magistrate, Hathras shall remain stayed."

From the perusal of the aforesaid order, it is clear that further proceeding of the case which was pending before the Joint Magistrate/Sub Divisional Magistrate, Hathras under Section 133 (1) of Cr.P.C. was stayed.

From the perusal of order dated 09.12.2022 passed by the officer, concerned, it appears that the order has been passed to maintain the *status quo*.

In view of the said fact, no case for contempt is made out.

Contempt application is misconceived and the same stands dismissed.

Order Date :- 13.10.2023

SK Goswami