

Court No. - 40

Case :- WRIT - C No. - 35829 of 2023

Petitioner :- Shiv Kumar Yadav

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Lavkush Kumar Bhatt, Byas Kumar Prasad

Counsel for Respondent :- C.S.C., Suresh Chandra Dwivedi

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Shri Byas Kumar Prasad, learned counsel for the petitioner, Shri Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents and Shri S.C. Dwivedi, learned counsel appearing on behalf of respondent no. 5.

2. The petitioner being a complainant has approached to this Court for a direction commanding the State-respondents to hold an inquiry against the private respondents arrayed as respondent nos. 5 to 6.

3. Shri S.C. Dwivedi who appears for the contesting respondents placed the order dated 18.10.2023 passed in Contempt Application (Civil) No. 7701 of 2023 (Shiv Kumar Yadav. v. Shri Krishna Kumar Gupta, Special Secretary & another), wherein, it was alleged that the order passed by the writ court has not been complied with. The learned Single Judge vide an order dated 18.10.2023 has dropped the contempt proceedings on the ground that no contempt is made out. In this backdrop, learned counsel for the contesting respondents states that the present writ petition is preferred with concealment of material facts as there is a lis between the parties and even, an Special Appeal (Defective) No. 653 of 2023 was also preferred and finally, the contempt proceedings has dropped.

4. Considering the facts and circumstances, once an objection is raised, we have proceeded to examine the record and find nowhere there is any description of the previous litigation and straight away, as a complainant, the present writ petition is preferred with the aforementioned relief.

5. Accordingly, the present writ petition is **dismissed**.

Order Date :- 30.11.2023

Rama Kant