

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7186 of 2022

Applicant :- Manorma Singh

Opposite Party :- Mr. Chandra Mohan Garg, Nagar Ayukt Nagar Nigam And 2 Others

Counsel for Applicant :- Sriram Dhar Dubey

Counsel for Opposite Party :- Arun Kumar, Arun Kumar

Hon'ble Rohit Ranjan Agarwal, J.

1. Heard learned counsel for the applicant.
2. The writ Court on 16.06.2021 in Writ - C No.8905 of 2021 has passed the following order :

"Counsels for respondent Nos.3, 4 and 6 are present before this Court. The petitioner's Counsel could not be contacted.

The petitioner has come to this Court for the following reliefs:-

"issue a writ, order or direction in the n, we are nothing to botherature of mandamus commanding the respondents to take effective action against unauthorized occupant namely Ram Lakhan Yadav, Jitendra Yadav and Ravi Nandan Yadav for vacating the Nazul Plot No.17, George Town, Allahabad."

We cannot direct the respondents by way of a Mandamus to get the possession vacated which would be in the realm of disputed questions of fact. We have been taken to the order of writ court in Writ-C No.2986 of 2016 dated 23.2.2016 (Annexure-3), which is not the final order. If the authorities come to a conclusion after hearing the petitioner that the occupants are unauthorized, they may get the Plot No.17, George Town, Allahabad vacated.

With the aforesaid observations, the writ petition stands disposed off."

3. From perusal of the order passed by writ Court it is clear that the Court had declined to issue any mandamus to the opposite party to get the possession vacated.
4. In view of the said fact as no mandamus has been issued by the writ Court, no case for contempt is made out.
5. Contempt application is misconceived and hereby dismissed.
6. Contempt notice stands discharged.

Order Date :- 28.10.2023

Kushal