

Chief Justice's Court

Case :- WRIT - C No. - 38234 of 2023

Petitioner :- Sahwan Ali

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Vipin Kumar Dwivedi, Bipin Kumar Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

Heard Shri Vipin Kumar Dwivedi, learned counsel for the petitioner and learned State counsel representing the State-respondents.

The challenge in this writ petition is to the impugned recovery citation dated 10.08.2023 issued by the respondent no. 3 regarding execution of the order dated 19.07.2023 towards recovery of arrears of maintenance claimed against one Naseem Mohammad.

Learned counsel for the petitioner submits that the recovery is being enforced against the petitioner who is said to be the exclusive owner of the property and he has nothing to do with the order dated 19.07.2023 which is sought to be enforced.

In our opinion, the issue raised in this writ petition requires probe into the disputed facts, and therefore, we deem it appropriate to relegate the petitioner to the respondent no. 2 i.e. the District Magistrate, Siddharth Nagar, before whom the petitioner shall appear within two weeks from today and apprise the said authority of the order sought to be enforced against him and in turn the District Magistrate, Siddharth Nagar, shall look into all aspects of the matter and pass appropriate orders after hearing all the affected parties. It is made clear that if the petitioner files any application, seeking interim relief, the same may also be considered, in accordance with law.

With the aforesaid observations the writ petition is ***disposed of***.

Order Date :- 6.11.2023

Deepak/

(Ashutosh Srivastava, J.) (Pritinker Diwaker, C.J.)