

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7725 of 2022

Applicant :- Babu Lal @ Pappu

Opposite Party :- Shri Anurag Arya,S.P

Counsel for Applicant :- Dr. Om Prakash Yadav

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court on 10.02.2017 while disposing of Writ-C No.34142 of 2015 had passed the following order:-

"In spite of repeated opportunity being given, no response has been received and in view of this a prayer made by the petitioner for providing police force / security to the petitioner on his own expenses so that he may install his gate in his boundary. As far as we are concerned, we cannot proceed to pass an order, but certainly the Authority on the spot after the election process is over, in case the laws so permit can consider the request of the petitioner and take appropriate measures.

Consequently, we proceed to pass an order asking Superintendent of Police, Azamgarh to consider the request of the petitioner in accordance with law, after the election process is over, preferably within a period of next four months from the date of receipt of certified copy of this order.

Disposed of."

From the perusal of the aforesaid order, it transpires that the Court had directed the Superintendent of Police, Azamgarh to consider the request of the applicant in accordance with law, once the election process is over.

It appears that the contempt application being Contempt Application (Civil) No.4437 of 2022 was moved, which was disposed of on 04.08.2022 giving opportunity to the opposite party to comply the order of the writ Court.

The opposite party, on 22.09.2022, had passed the order deciding the claim of the applicant, copy of the same has been brought on record as Annexure 25 to the contempt application.

An affidavit on behalf of the opposite party has been filed wherein in paragraphs 11, 12 and 13, it has been stated that two suits bearing Civil Suit No.1355 of 2022 and Civil Suit No.1522 of 2019 are pending consideration before the Court of Civil Judge (Junior Division), Azamgarh. Further, it has been stated that the claim of the applicant has been decided by a

speaking order on 22.09.2022.

It has further been averred in para 13 of the said affidavit that as the civil suits are pending between the parties and the matter is subjudice before the Civil Court, the opposite party cannot interfere in the judicial proceedings.

In view of the said fact, this Court finds that the only direction issued by the writ Court to the Superintendent of Police, Azamgarh was to see the grievance of the applicant, which the authorities have done and have decided the same by a reasoned and speaking order in the year 2022 itself.

No case for contempt is made out.

Contempt application is dismissed, accordingly.

Order Date :- 29.11.2023

SK Goswami