

Court No. - 39

Case :- WRIT - C No. - 42848 of 2023

Petitioner :- Vishnu Kumar Sahu And Another

Respondent :- Deputy District Collector/ Joint Magistrate And 8 Others

Counsel for Petitioner :- Yashpal Yadav,Lalji Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Shiv Shanker Prasad,J.

1. Heard Sri Yashpal Yadav, learned counsel for the petitioners and Sri Mukul Tripathi, learned Standing Counsel for the State-respondents.
2. Solitary grievance of the petitioner is, non-compliance of the order dated 26.07.2021 passed by the Deputy District Collector/Joint Magistrate, Tehsil - Sadar, District - Kanpur Nagar in Case No. 14808 of 2021 (Vishnu Kumar Sahu Vs. Umakant Sahu). Thus, a sum of Rs. 36,000/- is stated to be due and pending against the said Umakant Sahu/respondent no.4, as on date.
3. In the context that respondent no.4 is none other than the son of the petitioners and in face of order dated 26.07.2021 disclosed to have attained finality, it is difficult to accept that the said order has remained from being executed for more than two years.
4. Accordingly, subject to the petitioners filing a copy of this order before respondent no.1 within a period of one week from today, the said respondent shall ensure appropriate coercive measures are adopted and enforced against respondent no.4 - Umakant Sahu to execute the order dated 26.07.2021 within a period of one month from today, if there is no legal impediment.
5. In the event, the amount remains unpaid, it is further left open to the petitioners to file a fresh application to seek eviction of respondent no.4 - Umakant Sahu from his property, in addition to the recovery being sought.
6. With the aforesaid observation, present writ petition is **disposed of**.

Order Date :- 12.12.2023

Abhilash

(Shiv Shanker Prasad, J.) (S. D. Singh, J.)