

Court No. - 31

Case :- CONTEMPT APPLICATION (CIVIL) No. - 675 of 2023

Applicant :- Mohd. Saeed

Opposite Party :- Smt. Prachi Singh, Superintendent Of Police, Shrawasti

Counsel for Applicant :- Shyam Mohan Upadhyay

Hon'ble Ajay Bhanot,J.

Heard Shri Shyam Mohan Upadhyay, learned counsel for the applicant and Sunil Bajpai, learned Additional Chief Standing Counsel for the State.

The contempt proceedings arise out of disobedience of the injunction issued by the learned trial court on 01.10.2021 in Civil Suit No. 52 of 2015 (Mohd. Saeed Vs. Ramraji @ Phoolmata and others).

It is contended that the Station House Officer, Police Station Ikaona, District Shrawasti, was under an explicit direction of the learned trial court to promptly ensure the stoppage of construction work. However, despite service of orders passed by the learned trial court, the concerned SHO has deliberately disobeyed the same and the construction work continues apace. Superintendent of Police, Shrawasti, has been issued a direction by this Court by order dated 03.03.2023 in Writ C No. 1837 of 2023 (Mohd. Saeed Vs. State of U.P. and others) to look into the matter.

Sunil Bajpai, learned Additional Chief Standing Counsel for the State contends that the applicant has an alternative remedy to approach the learned trial court

with an application under Order 39 Rule 2A of the Code of Civil Procedure.

It is open to the applicant to approach the competent court under the relevant provisions of Code of Civil Procedure for seeking appropriate remedy.

Shri Shyam Mohan Upadhyay, learned counsel for the applicant submits that the applicant shall file a fresh application under the appropriate provisions of law before the competent court below.

In case such application is filed, the competent court shall, if necessary, forthwith summon the concerned SHO in person.

Without going into the merits of the case, this Court would like to observe that it is a matter of concern if the subordinate officials disobey the orders with a sense of impunity. The issue of disobedience of orders passed by the learned trial court strikes at a very rule of law.

Superintendent of Police, Shravasti shall file a personal affidavit regarding the compliance of orders of the learned trial court in proceedings arising from violation of the interim injunction. The said proceedings will be instituted within a period of two weeks from today, and Superintendent of Police, Shravasti shall file the required affidavit before the learned trial court within a period of three weeks from today.

With the aforesaid directions, the contempt application is disposed of finally.

A copy of this order to be communicated by the office to the Superintendent of Police, Shravasti for compliance.

Order Date :- 20.3.2023

Dhananjai