

Court No. - 4

1. Case :- CONTEMPT APPLICATION (CIVIL) No. - 1183 of 2022

Applicant :- Misbahurrahman And Others

Opposite Party :- Sri Sanjay Kumar, Apar Mukhya Adhikari
Zila Panachayat, Barabanki

Counsel for Applicant :- M.Usman Siddiqui,Amaan Usmani

Counsel for Opposite Party :- Tushar Verma

Connected with

2. Case :- CONTEMPT APPLICATION (CIVIL) No. - 1612 of 2022

Applicant :- Dharam Raj And Others

Opposite Party :- Sri Sanjay Kumar, Apar Mukhya Adhikari,
Zila Panchayat, Barabanki

Counsel for Applicant :- M.Usman Siddiqui,Amaan Usmani

Counsel for Opposite Party :- Tushar Verma

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Mr. M. Usman Siddiqui, learned counsel for the petitioners and Sri Tushar Verma, learned counsel for the opposite party/ Sri Sanjay Kumar, Apar Mukhya Adhikari, Zila Panchayat, Barabanki.

2. Learned counsel for the parties has stated that in both the aforesaid contempt petitions, the similar and identical controversy is involved, therefore, the aforesaid contempt petitions may be decided by a common order.

3. Sri Tushar Verma, learned counsel for the opposite party has drawn attention of this Court towards order of the Writ Court whereby the writ petition was disposed of without entering into merits of the issue directing the petitioners to prefer representation approaching the respondent No.6 who shall pass a speaking and reasoned order, strictly in accordance with law.

4. Further attention has been drawn towards the counter affidavit/ affidavit of compliance filed on 05.08.2022 showing Annexure No.CA-1 which are order dated 19.07.2022 passed by the Additional Executive Officer, Zila Panchayat, Barabanki in respect of all the petitioners collectively whereby the calculation of rent has been done in terms of the Government

Order dated 27.12.1997 with effect from 01.10.1992 to 26.12.2021.

5. However, Sri Siddiqui, learned counsel for the petitioners has drawn attention of this Court towards the rejoinder affidavit filed on 01.12.2022 referring para-8 thereof wherein he has raised objection in respect of calculation and has stated that the authority concerned has not calculated the rent strictly in accordance with law.

6. Be that as it may, since the Writ Court has not entered into merits of the issue and has directed to decide the representation of the petitioners strictly in accordance with law and as per Sri Tushar Verma, the same has been decided strictly in accordance with law, but Sri Siddiqui has raised objection on such calculation. Therefore, the petitioners may approach the Competent Court of law inasmuch as the calculation dispute may not be decided by the Contempt Court. Such dispute, if any, may be resolved after calling upon the response from the authority concerned and after perusing the records as well as after hearing the submissions of the parties, the issue in question may be adjudicated finally on merits.

7. In the wake of the aforesaid development, nothing remains to be adjudicated in the aforesaid contempt petitions.

8. Therefore, both the aforesaid contempt petitions are ***dismissed***.

9. Notices, if any, stand discharged.

[Rajesh Singh Chauhan,J.]

Order Date :- 28.11.2023

Suresh/