

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1681 of 2017

Applicant :- Yogendra Prasad

Opposite Party :- Sri Ram Kailash Tahsildar Jaisinghpur Sultanpur

Counsel for Applicant :- Rajesh Kumar Shukla, Santosh Kr. Yadav Warsi

Hon'ble Rajesh Singh Chauhan, J.

1. Heard Sri Santosh Kr. Yadav Warsi, learned counsel for the petitioner and Sri Manish Kumar, learned Standing Counsel.
2. The present contempt petition has been filed seeking the execution of the order dated 02.07.2015 passed in Misc. Bench No. 5657 of 2015 (Yogendra Prasad Vs. State of U.P. and 11 others).
3. As per learned counsel for the petitioner, when the order of the Writ Court was not complied with, the petitioner has filed the contempt petition bearing Contempt Petition No. 2207 of 2016. The said contempt petition was dismissed with liberty to file a fresh contempt petition.
4. Pursuant to the aforesaid liberty being given, the present contempt petition has been filed. On the first date of admission i.e. on 22nd of August, 2017, no one appeared on behalf of the petitioner nor any request for adjournment has been made, therefore the case was directed to be listed again. The aforesaid case was again listed on 14.09.2017 but on that date, on the request of learned counsel for the petitioner, the case was adjourned for the next cause list. On 26.09.2018, an impleadment application was filed but no order has been passed on the aforesaid application. No effort has been made by the then counsel either to pursue the contempt petition or to get his impleadment application allowed. Even no other impleadment application has been filed. However, Sri S.K. Yadav Warsi, the subsequent counsel, had filed an application dated 20.11.2018 for framing of charges under the Contempt of Courts Act. The aforesaid application had been filed without verifying the fact that even no contempt notice has been issued in the present case since first date of admission i.e. on 22.08.2017. In the aforesaid application, no order has been passed. Sri Warsi has filed an application for listing of the case on 11.04.2019. Today he has filed an application for impleadment seeking impleadment of the current opposite party, the same is taken on record.
5. Sri Warsi has stated that in compliance of the order of Writ

Court dated 02.07.2015, an application under Section 122-B of UPZA & LR Act was filed, the proceedings thereof have not been concluded till date.

6. Per contra, Sri Manish Kumar, the learned Standing Counsel has shown the instructions letter dated 02.11.2018, preferred by Tehsildar Jaisinghpur, Sultanpur alongwith the copy of the order dated 15.04.2017 and relevant documents. The same is taken on record. As per the aforesaid instructions, after the conclusion of the proceedings before the lower revenue authority, the petitioner had himself filed a Revision bearing No. 1570 of 2018 (Yogendra Prasad and others Vs. Ravindra, under Section 210 of Uttar Pradesh Revenue Code, 2006. The aforesaid Revision was filed challenging the order dated 23.06.2018 passed by Additional Commissioner, Faizabad Region, Faizabad and the revisional Court after admitting the revision had stayed the impugned order.

7. As per Sri Manish Kumar, learned Standing Counsel, the aforesaid fact has not been disclosed by the petitioner, inasmuch as various applications have been filed but no such application has indicated the aforesaid fact.

9. Be that as it may, the ordersheet of the present contempt petition clearly shows the attitude and approach of the petitioner contesting the contempt petition. Since 2017 couple of the officers must have been transferred from the post of Tehsildar but only one impleadment application had been filed by the earlier counsel. However, one application for impleadment has been filed by Sri Warsi today itself. Even no affidavit has been filed indicating the fact that in the subject matter, a revision of the petitioner is pending consideration before the Board of Revenue.

8. Till date, no contempt notice has been issued by this Court for last more than six years, therefore, it appears that to keep the present contempt petition pending would be a futile exercise.

9. Accordingly, the contempt petition is ***dismissed***. All the applications which are pending in this case are also accordingly dismissed.

[Rajesh Singh Chauhan,J.]

Order Date :- 13.10.2023
kkv/