

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 1936 of 2023

Applicant :- Tribhuwan Dutt

Opposite Party :- Dwarika And Others

Counsel for Applicant :- Vinod Kumar

Hon'ble Rajesh Singh Chauhan,J.

1. Heard learned counsel for the petitioner and Sri Sunil Bajpai, learned Addl. C.S.C.

2. Sri Bajpai has filed short counter affidavit of Sri Sandeep Kumar Singh, presently serving as Station House Officer, P.S. Inayat Nagar, District Ayodhya.

3. This Court has passed order dated 30.5.2023 passed in Matters Under Article 227 No. 2965 of 2023 which reads as under :

"Heard learned counsel for petitioner.

In view of order being proposed to be passed, notices to opposite parties stand dispensed with.

Petition under Article 227 of the Constitution of India has been filed seeking a direction to the court concerned for expeditious disposal of application for interim injunction filed in Original Suit No.313 of 2023 instituted by petitioner for permanent injunction.

It has been submitted that although notice was issued to defendants but they have not yet put in appearance. However there is grave apprehension that nature of suit property would be changed during the course of proceedings and thereafter expedite orders are required to be passed.

In view of submissions advanced by learned counsel for petitioner, opposite party no.1 i.e. Civil Judge (Junior Division) Sadar, Faizabad is directed to decide the application for temporary injunction in Original Suit No.313 of 2023; Tribhuwan Dutt versus Dwarika within a period of six weeks from the date office report regarding service upon defendant or their vakalatnama whichever earlier is brought on record.

Learned counsel for petitioner has drawn attention to the Commission Report dated 19.04.2023 to submit that disputed property currently is in the nature of route (Rasta).

Considering submissions advanced by learned counsel for petitioner and in view of the Commission report, till decision on the application for temporary injunction, it is directed that the nature of suit property shall not be changed by any party to the dispute.

Benefit of this order shall be available only in case petitioner cooperates in early conclusion of the application/suit.

With the aforesaid direction, the petition stands disposed of."

4. The S.H.O. has categorically indicated in para 7 and 8 that since both the private parties are creating disturbance and also disturbing the peace of the area, therefore, the required exercise u/s 107/116 Cr.P.C. has been carried out for maintaining peace and tranquility. In para 8 it has been stated that at present no construction is being done over the property in question .

5. Having considered the aforesaid recital of the aforesaid affidavit of the S.H.O. concerned, I find no good ground to keep this contempt petition pending any longer.

6. Accordingly, the contempt petition is **dismissed**.

7. Notices discharged.

8. However, it is expected from the S.H.O. concerned as well as other revenue officers e.g. Tehsildar, Nayab Tehsildar, Kanoongo, Lekhpal and Revenue Inspector to do the needful, so that the order of the writ court dated 30.5.2023 (supra) is not violated by the parties.

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[Rajesh Singh Chauhan, J.]

Order Date :- 15.12.2023

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