

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2087 of 2023

Applicant :- Kailash @ Kailash Bihari

Opposite Party :- Pawan Kumar Jaishwal, Sub Divisional Officer, Ambedkar Nagar And Others

Counsel for Applicant :- Umesh Prasad Srivastava, Deepshikha Sharma, Surya Kumar

Counsel for Opposite Party :- Prabhakar Tiwari, Dinesh Kumar Srivastava

Hon'ble Rajesh Singh Chauhan, J.

1. Heard Sri Surya Kumar, learned counsel for the petitioner and Sri Prabhakar Tiwari, learned counsel for the opposite party no. 1 i.e. Sri Pawan Kumar Jaiswal, Sub-Divisional Officer, Akbarpur, District Ambedkar Nagar.

2. Attention has been drawn towards the order of writ court dated 16.11.2022 passed in Writ-C No. 7923 of 2022 which reads as under :

"By means of this writ petition, the petitioner has raised a grievance as regards the violation of interim injunction order passed by the revenue court under Section 116 of U.P. Revenue Code, 2006 in his favour. The interim injunction order was passed pending the proceeding and simultaneously notices were issued to private opposite parties. It is stated in the writ petition that one of the parties, i.e., opposite party no.5 namely Rashmi Srivastav is raising some construction and thereby violating the order passed by the revenue court. Despite a copy of the order communicated to the local police authorities and the notices being served upon the parties, no action however was taken for stopping the construction.

Learned Standing Counsel on the basis of instruction has informed that the opposite party no.5 has been restrained from raising any further construction and at present no such construction as alleged is going on.

In view of the facts and circumstances of the case, we hereby direct the revenue court to conclude the proceeding under Section 116 of U.P. Revenue Code, 2006 expeditiously and preferably within a period of three months after hearing all the parties. It is also directed that the local police authorities shall ensure compliance of the interim injunction order passed by the revenue court in the meantime.

With the aforesaid observations and directions, the writ petition is disposed of."

3. Learned counsel for the opposite party has informed that the proceedings u/s 116 of U.P. Revenue Code, 2006 have been concluded as after hearing the parties the judgment has been kept reserved on 26.9.2023.

4. On being confronted Sri Prabhakar Tiwari as to whether the judgment has been delivered as 18 day's period have passed from the date when the judgment was reserved, he has stated on the basis of information that the aforesaid judgment shall be

delivered today itself.

5. In the wake of aforesaid development nothing remains to be adjudicated in the present contempt petition.

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

7. Notices discharged.

8. However, if the authority concerned does not deliver the judgment within four days, to be more precise on or before 19.10.2023, the liberty is given to the petitioner to file an application in this contempt petition seeking revival of the contempt petition and on that application if the contempt petition is revived any coercive order may be passed against the authority concerned.

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[Rajesh Singh Chauhan, J.]

Order Date :- 13.10.2023

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