

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2404 of 2023

Applicant :- Ankit Tiwari

Opposite Party :- Vijay Raj Singh Deputy Commissioner Of Police, Lko.

Counsel for Applicant :- Mahesh Kumar, Sanjeev Kumar Dwivedi

Hon'ble Rajesh Singh Chauhan, J.

1. Heard.

2. This Court has passed the order dated 14.09.2023, which reads as under:-

"1. On account of call of boycott by the Advocates Association, learned counsel for the applicant/ petitioner is not present, however, Sri Sunil Bajpai, learned Addl. Chief Standing Counsel is present.

2. Sri Bajpai has drawn attention of this Court towards the order of the writ court dated 17.03.2023 passed in Writ-C No.1834 of 2023 wherein the direction has been issued to the Deputy Commissioner of Police (North), Lucknow to consider and decide the representation of the petitioner but the sole opposite party/ contemnor, namely, Sri Vijay Raj Singh was serving on the post of Assistant Commissioner of Police, Lucknow and has retired from that post on 31.07.2023, therefore, Sri Bajpai has stated that the petitioner has not impleaded the proper party in the contempt petition.

3. On being confronted as to whether the Deputy Commissioner of Police (North), Lucknow has decided the representation of the petitioner in terms of the order dated 17.03.2023, Sri Bajpai has stated that he has no instructions on that point.

4. List again in the week commencing 09.10.2023 within top ten cases to enable the learned counsel for the petitioner to file appropriate application impleading the proper opposite party and in the meantime, Sri Sunil Bajpai, learned Addl. Chief Standing Counsel may also seek instructions from the Deputy Commissioner of Police (North), Lucknow as to whether representation of the petitioner has been decided in terms of the order dated 17.03.2023 or not."

3. In compliance of the aforesaid order, Sri Sunil Bajpai, learned Additional Chief Standing Counsel has produced the instructions letter dated 03.10.2023 preferred by the Deputy Commissioner of Police, North, Lucknow addressing to the Chief Standing Counsel enclosing therewith the copy of the General Diary and photographs showing that in compliance of

order of the Writ Court the encroachment has been removed. The copy of the aforesaid instructions letter has been provided to the learned counsel for the petitioner and the same is taken on record.

4. Learned counsel for the petitioner has stated that in compliance of order of the Writ Court the encrachment has been removed but the encroachers have again encroached some area.

5. Be that as it may, since in compliance of order of the Writ Court, the encroachment has been removed and learned counsel for the petitioner has also not disputed the aforesaid fact, therefore, there is no purpose to keep this contempt petition pending any longer.

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

7. Notice, if any, stands discharged.

8. However, it is always open for the petitioner to approach the Competent Authority/ Court of law for redressal of his grievance, if any.

[Rajesh Singh Chauhan,J.]

Order Date :- 11.10.2023

Suresh/