

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3008 of 2023

Applicant :- Neeraj Kumar Singh And Another

Opposite Party :- Sri Ranvir Prasad , Housing Commissioner U.P.
Housing And Development Board Lko. And Another

Counsel for Applicant :- Rakesh Chandra Tewari

Counsel for Opposite Party :- Puneet Chandra

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Sri Rakesh Chandra Tewari, learned counsel for the petitioners and Sri Puneet Chandra, learned counsel for the opposite parties.

2. Sri Puneet Chandra has filed an application for dismissal of the contempt petition alongwith the affidavit of compliance, the same is taken on record.

3. Sri Rakesh Chandra Tewari has stated that the Writ Court has passed the order dated 02.05.2023 in Writ-C No. 3481 of 2023 which reads as under:

"Heard Shri Rakesh Chandra Tewari, learned counsel for the petitioners and Shri Puneet Chandra, learned counsel for the opposite parties.

Petitioners claim to have been allotted a house by the U.P. Housing Development Board. They claim to have paid the entire amount but sale deed has not been executed in their favour nor got it registered.

Learned counsel for the Board says that the allotment of the petitioners was cancelled and thereafter, they deposited the said amount under OTS Scheme but thereafter they did not complete the remaining formalities.

In view of the above, we dispose of this writ petition with a direction to the opposite party no. 3 to communicate to the petitioners in writing whatever is required by them to be done whereupon the petitioners shall complete the necessary formalities and if the same are completed the Board shall execute sale deed and get it registered in their favour, unless there is any other legal impediment in which case the petitioners would be informed in writing. Let the entire exercise be completed at the earliest. The intimation be sent by the opposite party no. 3 within a period of two weeks. Thereafter, the petitioners may do the needful at the earliest.

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

4. Sri Tewari has further submitted that instead of making compliance of the order of Writ Court dated 02.05.2023 (supra), the authority of the Housing Board has passed the order dated 28.08.2023 cancelling the Plot of the petitioner and put his Plot on auction in sheer, arbitrary, illegal and contemptuous manner. Sri Tewari has further submitted that the aforesaid order dated 28.08.2023 has been assailed before the Writ Court by filing

writ petition bearing number Writ-C No. 8383 of 2023 and the Writ Court vide order dated 04.10.2023 has granted an interim order after calling the counter and rejoinder affidavits.

5. Sri Puneet Chandra has stated that the counter affidavit has been filed in the aforesaid writ petition.

6. Be that as it may, prima facie, it appears that when all the required formalities are completed by the petitioner, instead of executing the sale-deed, the Plot of the petitioner has been cancelled and the same has been put on auction, is an act for which the explanation should have been called but since the aforesaid order has been challenged before the Writ Court wherein an interim order has been granted and the writ petition is pending consideration, therefore, there is no purpose to keep this contempt petition pending any longer.

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

8. Notices, if any, are discharged.

[Rajesh Singh Chauhan,J.]

Order Date :- 1.11.2023

kkv/