Court No. - 71

Case :- CONTEMPT APPLICATION (CIVIL) No. - 4673 of 2020

Applicant :- Naushad Ali
Opposite Party :- Sri Dinesh Kumar Mishra, S.D.M
Counsel for Applicant :- Kripa Shankar Pandey,Kamlesh Kumar Tiwari

Hon'ble Mahesh Chandra Tripathi,J.

Heard learned counsel for the applicant.

By order dated 22.1.2019 passed in Writ C No. 2152 of 2019 filed by the applicant, this Court directed as under:

"The only relief pressed in this petition is that Case No.801 of 2016 (Naushad Ali vs. Gaon Sabha and others), under Section 116 of U.P. Land Revenue Act, 2006, pending in the court of Up Ziladhikari, Tehsil Budhanpur, District Azamgarh, may be directed to be decided at an early date.

Considering the facts and circumstances of the case, no useful purpose will be served to keep this petition pending and call for a counter affidavit.

In view of the aforesaid, this petition is disposed of providing that the court below shall decide the aforesaid case in accordance with law, expeditiously preferably within six months from the date of presentation of a certified copy of this order and without granting any unnecessary adjournment to either of the parties, if there is no legal impediment. "

Learned counsel for the applicant submits that a certified copy of the aforesaid order was submitted for compliance before the opposite party but the opposite party has wilfully not complied with the order and, thus, has committed civil contempt liable for punishment under Section 12 of the Contempt of Courts Act, 1971.

The Court has occasion to peruse the order-sheet of the proceeding in question which is appended as Annexure No. 4 to the writ petition and finds that on most of the dates, Advocates were abstaining from judicial work, in such situation, it cannot be presumed that there was any deliberate flouting of the order. However, it is always expected from the court below to proceed as per mandate of this Court. In case, Advocates do not cooperate, it is always open to the Presiding Officer to proceed and decide the aforementioned case *ex parte*.

The applicant shall supply a duly stamped registered envelope

addressed to the opposite party and another self-addressed stamped envelope to the office within one week from today. The office shall send a copy of this order along with the self-addressed envelope of the applicant with a copy of contempt application to the opposite party within one week thereafter and keep a record thereof.

The opposite party shall comply with the directions of the writ court and intimate the order to the applicant through the self-addressed envelope within a week thereafter.

With the aforesaid observations, this application is ***disposed of*** at this stage with liberty to the applicant to move a fresh application, if the order is not complied with by the opposite party within the stipulated time as aforementioned.

The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad, self attested by the applicant alongwith a self attested identity proof of the said person (preferably Aadhar Card) mentioning the mobile number to which the said Aadhar Card is linked.

The concerned Court/Authority/Official shall verify the authenticity of such computerised copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

Order Date :- 1.12.2020
A.K.Srivastava