

Court No. - 8

Case :- CONTEMPT No. - 2194 of 2016

Applicant :- Merajuddin

Opposite Party :- Dr. Anoop Yadav Vice Chairman L.D.A. Vipin Khand Gombi Nagar

Counsel for Applicant :- Amitabh Misra, Abdul Fazal Jaffrey

Hon'ble Dr. Devendra Kumar Arora, J.

Heard.

Petitioner has filed instant contempt petition alleging willful non-compliance of the order dated 04.11.2015 passed in Writ Petition No.10324 (MB) of 2015 (Merajuddin Vs. State of U.P. and others), whereby the writ Court while allowing the writ petition appreciated the communication dated 13.07.2015, which was placed on record by the learned Counsel for the Lucknow Development Authority, Lucknow with regard to the steps taken for ensuring of availability of a plot of the area of 200 sq. meters to the petitioner. It was also directed that since the petitioner had already paid the entire amount which was claimed way back in 2006-07, this shall be completed within a period of two months from the date of receipt of a certified copy of this order on the terms and conditions as originally envisaged.

Submission of learned Counsel for the petitioner is that vide letter dated 25.01.2016, the Deputy Secretary, Lucknow Development Authority, Lucknow intimated the petitioner that in Mansarovar Scheme, no plot of 200 sq. meters is available, therefore, it is not possible to adjust him in the said Scheme. It was also intimated that if he is interested in Sunrise Apartment Scheme, which is situated at Sector-P, Kanpur Road, then he may submit his consent within a week. It has also been submitted that the letter dated 25.01.2016 issued by the Deputy Secretary is contrary to the statement given before the writ Court and, therefore, the petitioner is constrained to approach this Court by means of the present contempt petition, seeking appropriate action under the provisions of Contempt of Courts Act against the opposite party for willful non-compliance of the order of the writ Court.

On due consideration, prima-facie, a case for willful non-compliance of the order of writ Court is made out.

Issue notice to opposite party fixing 05.01.2017 to show cause as to why proceedings under the Contempt of Courts Act may not be initiated for willful disobedience of the aforesaid order.

Counsel for the petitioner is directed to furnish a copy of the petition to Sri Nadeem Murtaza, learned Counsel for the Lucknow Development Authority, Lucknow, who shall transmit the same to the opposite party along with gist of order at the earliest for information and compliance.

List on 05.01.2017.

Order Date :- 25.11.2016

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