



2026:AHC:53628

HIGH COURT OF JUDICATURE AT ALLAHABAD

CONTEMPT APPLICATION (CIVIL) No. - 1638 of 2026

Bhanu Pratap And 3 Others

.....Applicant(s)

Versus

Shri Abhimanyu Kumar And 2 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Nand Kishor Mishra, Pawan Kumar
Tripathi

Counsel for Opposite Party(s) :

Court No. - 9

HON'BLE ROHIT RANJAN AGARWAL, J.

1. The writ Court, on 05.10.2023, had granted an interim order in Writ-C No.30008 of 2023 which is as under:-

"1. Heard learned counsel for the parties and perused the record.

2. This writ petition has been filed for the following relief:

"(a) issue a writ, order or direction in the nature of certiorari quashing the impugned orders dated 14.08.2023 passed by respondent no. 2 i.e. Additional Commissioner IInd, Chitrakoot Dham Division, Tahsil-Rath, District Hamirpur in Case No. 00806 of 2019 (Computerized Case No. C201907000000806) (Udal Prasad Vs. Bhawanideen and others) under Section 210 of U.P. Revenue Code, 2006 as well as the impugned order dated 15.07.2019 passed by respondent no. 3 i.e. Sub-Divisional Magistrate, Tahsil-Rath, District Hamirpur in Case No. 582 of 2017 (Computerized Case No. T201707324102582) (Bhuvinideen and others Vs. Udal Prasad and others) Under Section 35(2) of U.P. Revenue Code, 2006."

3. By order dated 17.07.1985 passed in mutation proceedings by the Naib Tehsildar, Rath, name of Bhagwandas was directed to be deleted and name of one Udal Prasad was directed to be recorded in place of Bhagwandas on the basis of a will executed in favour of the Udal. On 28.09.2016, a restoration application was filed by the heirs of deceased Bhagwandas for recalling the order dated 17.07.1985 passed by Naib

Tehsildar, Rath. The aforesaid restoration application was rejected by means of order dated 27.01.2017 passed by Naib Tehsildar, Rath. Against the order dated 27.01.2017 as well as order dated 17.07.1985 passed by the Naib Tehsildar, Rath an appeal was filed by the heirs of the deceased Bhagwandas before the Sub Divisional Magistrate and the aforesaid appeal was allowed by Sub Divisional Magistrate, Rath by its order dated 15.07.2019. Against the order dated 15.07.2019 passed by the appellate court, a revision was preferred by the heirs of Udal Prasad whose name was recorded by order dated 17.07.1985, before the Commissioner, Chitrakoot Mandal, Chitrakoot and the aforesaid revision has also been dismissed.

4. Learned counsel for the petitioner has made following submissions:

- i. the restoration application was moved after 30 years.*
- ii. the appeal has been allowed by the Sub Divisional Magistrate concerned on the ground that prior to execution of will, necessary permission was not sought by Bhagwandeem, the recorded tenure holder and according to the counsel for petitioner, the permission was only required in case of lease or sale of the land in dispute and not in case of will.*
- iii. the revisional court has merely confirmed the order passed by the appellate court without considering the objections taken by the petitioner in his memo of revision.*

5. Matter requires consideration.

6. Respondent nos. 1, 2, 3 & 4 are represented by learned Standing Counsel.

7. Issue notice to respondent nos. 5 & 6 returnable at an early date. Steps be taken within a week.

8. List the matter on the date fixed in the notice.

9. In the meantime, parties may exchange their affidavits.

10. Till the next date of listing, the parties are directed to maintain status

quo."

2. In paragraphs 21 and 22 of the contempt application, it has been alleged that the opposite party had executed an agreement to sell.
3. From perusal of the material on record, I find that no case for contempt is made out as the interim order granted by the writ Court was only to the extent that authorities was to maintain *status quo*. Agreement to sell does not amount to sell, and the order of the writ Court has not been willfully disobeyed by the opposite party.
4. In view of the said fact, no case for contempt is made out.
5. Contempt application is misconceived and the same stands dismissed.

(Rohit Ranjan Agarwal,J.)

March 17, 2026
SK Goswami