

From,

Khan Zishan Masood
Civil Judge (Senior Division),
Kasganj
UP2480

To,

The Respected Registrar General,
High Court of Judicature,
At Allahabad.

Through,

The Respected District Judge,
Kasganj.

Sub: Referral of contempt against 1. Pradeep Kumar Vimal, SDM Patiyali, Kasganj and 2. Brujpal Singh, SHO, Sikandarpur Vaishya, Kasganj .

Respected sir,

This is to humbly submit that The Hon'ble Supreme Court has passed strict directions in the case of **Periyammal (dead) through lrs & ors. versus v. Rajamani** Civil Appeal nos. 3640-3642 of 2025 for disposal of all executions petition within 6 months and has also made the Presiding officer of every court personally liable for failure to do so.

That an **execution petition no 17/2019 Saurabh Gupta vs Than Singh** is pending in the court of Civil Judge (Senior Division), Kasganj. That the undersigned has taken charge of this court on 11.04.25. That on 19.04.25 when the file was presented for the first time the undersigned issued writ for Possession for the Amin for the desired execution. The undersigned also issued directory letters to Station House Officer (SHO), Sikandarpur Vaishya, Kasganj for assistance in execution. SHO, Sikandarpur Vaishya informed the court through a letter that several persons are in illegal occupation of the decree land and requested an Executive officer be nominated for carrying out the execution. On this the court issued a writ letter to SDM, Patiyali and directed him to carry out the execution on 26.05.25.

On 27.05.25 the amin orally (and then subsequently in written) informed that the SDM, Patiyali and the Police officers did not make any attempt to Execute nor

assisted in execution. The court sought an explanation from SDM, Patiyali and SHO, Sikandarpur Vaishya. The joint explanation given by SDM Patiyali and Circle Officer, Patiyali and a separate explanation given by SHO, Sikandarpur Vaishya has given rise to this contempt. The copy of the explanation is annexed herein.

The translation of the explanation is as follows:

“During enquiry it was found that the Plaintiff Saurabh Gupta had purchased the Plot Gata 1293 Area 0.466 from the lease holders Srikrushna and Brujman along with their constructions. During enquiry it was also found that the huts of the defendants were in existence from prior times and that the defendant has constructed a house under Prime Minister Awas Vikas Yojna. That the defendants sought ten days’ time for vacating the land.”

It is humbly submitted that once a Decree has been passed the Civil Court itself does not have the power to go behind the decree. Further the Civil Court does not have any power to make any enquiry of facts. When the civil court does not have the power to go behind the decree, the SDM, Patiyali had no power to make an enquiry on facts and go behind the decree.

Further the SDM, Patiyali and SHO, Sikandarpur Vaishya did not make any effort whatsoever to execute the decree and comply with the order of the civil court. They themselves willfully disobeyed the orders of the civil court to execute the decree. The SDM, Patiyali and Circle Officer, Patiyali had no authority to grant additional time to the defendants. (Defendants have subsequently filed fresh Application U/S Section 47 Code of Civil Procedure further resisting the execution).

The SDM, Patiyali and Circle Officer, Patiyali were directed to execute the decree and had no authority to make an enquiry on the facts of the decree. Further the SHO, Sikandarpur Vaishya also did not make any attempt to execute the decree although he was given a separate direction in this regard. SHO, Sikandarpur Vaishya has explained that he was present at the spot for “law and order duty”. SHO, Sikandarpur Vaishya has also disregarded the orders of the Civil Court.

In a subsequent additional explanation given by SDM, Patiyali it is also averred that “small children reside in the disputed land”. However, it is not explained as to what steps for executions were undertaken.

It is humbly submitted that Pradeep Kumar Vimal, SDM Patiyali, Kasganj and Brujpal Singh, SHO, Sikandarpur Vaishya have attempted to run a parallel court at the spot making enquires of facts and did not make any attempt to execute

the decree as directed. They have blatantly violated the orders of the court and have lowered the dignity of the court.

The Hon'ble Supreme Court and Hon'ble High Court has time and again directed for timely executions. It is humbly submitted that such willful disobedience and disregard for the orders of civil court have created an obstacle for timely executions.

I request your kindness to place the referral before the Hon'ble Court with the profuse and humble request for initiating contempt proceedings for willful disobedience of the orders of the Civil Court against 1. Pradeep Kumar Vimal, SDM Patiyali, Kasganj and 2. Brujpal Singh, SHO, Sikandarpur Vaishya, Kasganj .

Thanking you,

Yours Faithfully.

Khan Zishan Masood

Civil Judge (Senior Division),

Kasganj

UP2480

Annexed

1. Direction to SDM, Patiyali.
2. Direction to SHO, Sikandarpur Vaishya
3. Explanation of SDM, Patiyali.
4. Explanation of SHO, Sikandarpur Vaishya