



2025:AHC:226895

HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 14978 of 2025

Neeraj Usta And 6 Others

.....Petitioner(s)

Versus

Smt. Vidya Devi

.....Respondent(s)

Counsel for Petitioner(s) : Dhirendra Srivastava
Counsel for Respondent(s) : Kaushalendra Nath Singh, Sarthack Sinha

Court No. - 36

HON'BLE ROHIT RANJAN AGARWAL, J.

1. The petitioner before this Court is a tenant. The respondent-landlord had initiated proceedings under Section 21(1)(a) of the U.P. Act No. 13 of 1972 for releasing the shop in question. The said release application was allowed on 06.10.2023. Against which, an appeal filed under Section 22 of the U.P. Act No. 22 of the U.P. Act No. 13 of 1972 was dismissed. The petitioner, thereafter, challenged both the orders before this Court through Writ-A No. 12382 of 2024, wherein, the following order was passed on 20.08.2024:

"1. 'Vakalatnama' filed today by Sri Pranvesh, Advocate on behalf of respondent No.1 is taken on record.

2. Heard learned counsel for the petitioners and learned counsel for the respondents.

3. The petitioners by means of the present writ petition have assailed the order dated 06.10.2023 passed by the Prescribed Authority/Civil Judge (Senior Division) Jalaun at Orai in P.A. Case/Suit No.12 of 2019 as well as order dated 11.07.2024 passed by the Additional District Judge/Special Judge (DAA) Jalaun at Orai in Rent Appeal No.4 of 2023.

4. After arguing the matter at length, learned counsel for the petitioners submits that his client is ready and willing to vacate the shop in question, however, he submits that some reasonable time may be given to the petitioners to vacate the shop in question, to which learned counsel for

the respondent has no objection.

5. Considering the facts and circumstances of the case and with the consent of learned counsel for the respondent, the petitioners are granted one year time from today to vacate and handover the shop in question to respondent/landlord and subject to filing of following undertakings by the petitioners/tenants before the court below within one month from today:-

(1). The tenants-petitioners shall handover the peaceful possession of the shop in question to the respondent/landlord on or before 19.08.2025;

(2). The tenants-petitioners shall file undertaking before the court below to the said effect within three weeks from the date of receipt of certified copy of this order;

(3). The tenants-petitioners shall pay entire decretal amount within a period of two months from the date of receipt of certified copy of this order;

(4). The tenants-petitioners shall pay rent of Rs.1000/- each, per month by 7th day of every succeeding months and continue to deposit the same in the court below till 19.08.2025 or till the date they vacate the shop in question whichever is earlier and the respondent/landlord is at liberty to withdraw the said amount;

(5). The tenants-petitioners shall also state in the undertaking that they shall not create any interest in favour of the third party in the shop in dispute;

(6). Subject to filing of the said undertaking, the tenants-petitioners shall not be evicted from the shop in question till the aforesaid period;

(7). It is made clear that in case of default of any of the conditions mentioned above, the protection granted by this Court shall stand vacated automatically;

(8). In case the shop in question is not vacated as per the undertaking given by the tenants-petitioners, they shall also be liable for contempt.

6. The writ petition is disposed off subject to observations made above."

2. Another writ petition was filed by the petitioner nos. 5 and 6 challenging the two orders passed by the Rent Authorities being Writ-A No. 15793 of 2024 which was also decided by the coordinate Bench on 18.10.2024 in terms of the order passed in Writ-A No. 12382 of 2024 and following order was passed:

"Heard Sri Ramanuj Yadav, learned counsel for the petitioners and Sri Pranavesh and Sri Bhupendra Pandey, learned counsel for the respondents.

This petition is directed against the order of Presiding Authority directing for release of the tenanted shop in question in favour of the landlord. The said order was unsuccessfully appealed against in Rent Appeal No. 4 of 2023 which came to be dismissed on 11.07.2024.

Both the orders of the Presiding Authority dated 06.12.2023 and that of the appellate authority dated 11.07.2024 have been assailed in this case.

After arguing at some length, learned counsel for the petitioners submits that there were seven shops in question and in respect of six shop release orders were passed and three petitioners have already approached against the same order to this Court by filing writ petition being Writ - A No.12382 of 2024 which came to be disposed of with certain directions giving breathing time to the petitioners to vacate the shops in question and submits that this matter may also be disposed of in terms of the order dated 20.08.2024 passed in Writ - A No.12382 of 2024, Neeraj Ustan and 2 Others v. Smt. Vidhya Devi and 3 Others.

Learned Advocates appearing for the respondent/ landlord could not have any objection in the event this petition also stands disposed of in terms of the order dated 20.08.2024 passed in Writ - A No.12382 of 2024, Neeraj Ustan and 2 Others v. Smt. Vidhya Devi and 3 Others.

In view of the above, while this petition stands stands disposed of in terms of the directions issued in order dated 20.08.2024 passed in Writ - A No.12382 of 2024."

3. After the decision of the coordinate Bench wherein the Court refused to

interfere in the order passed for vacating the shop in question, no undertaking as mandated by the writ Court was given by the petitioner before the court below that he would vacate the premises in question by 19.08.2025. When the matter was taken up on 01.12.2025, the counsel for the respondent had apprised the Court that no such undertaking was furnished by the petitioner before the court below. On contrary, the counsel for the petitioner submitted that according to his information, the undertaking was given by the petitioner before the court below.

4. Today, when the matter was taken up, learned counsel for the petitioner submits that no undertaking was furnished before the court below. He further submits that already a contempt proceeding is pending before this Court. This Court finds that the petitioner is in contempt of the orders of the writ Court dated 20.08.2024 as he has not vacated the premises in dispute despite time having been granted by the writ Court only on the condition that he furnishes an undertaking before the court below within three weeks from the receipt of the certified copy of the order rendered in Writ-A No. 12382 of 2024. As the petitioner has committed contempt by not only furnishing the undertaking before the court below but also not vacating the premises by 19.08.2025 as the time was granted to him for vacating the shop in question.

5. The present writ petition which assails the execution proceeding is not maintainable and the same stands **dismissed**. The executing court is directed to forthwith execute the order passed by the Prescribed Authority on 06.10.2023 as well as in the order dated 11.07.2024 passed in Rent Appeal No. 04 of 2023. It is further provided that the executing court shall direct for providing the necessary police force in getting the shop vacated forthwith.

(Rohit Ranjan Agarwal,J.)

December 17, 2025

A. V. Singh