

(2013) 01 AHC CK 0422
In the Allahabad High Court
Case No : C.M.W.P. No. 813 of 2013

Baljora

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 11-01-2013

Acts Referred:

Citation : (2013) 98 ALR 384 : (2013) 2 AWC 1515 : (2013) 118 RD 722

Hon'ble Judges : Sudhir Agarwal, J

Bench : Single Bench

Advocate : Arjun Singhal, for the Appellant; Siddharth, for the Respondent

Final Decision : Dismissed

Judgement

Sudhir Agarwal, J.—Heard Sri Arjun Singhal, learned counsel for the petitioner and perused the record. This is a thoroughly ill-advised and misconceived writ petition. Admittedly, petitioner was advanced two loans and committed default in respect to both. He came to this Court in Writ Petitions No. 17998 of 2012 and 17999 of 2012 and on an undertaking of petitioner through his counsel expressed before this Court and with the consent of counsels for the parties, both writ petitions were disposed of finally by two separate judgments dated 11.4.2012. The petitioner committed default in compliance of conditions contained in judgments dated 11.4.2012, as a result whereof respondents have initiated recovery proceedings in question. In both the judgments it was clearly mentioned that in case of noncompliance of any of the conditions contained in those judgments, the writ petitions shall stand dismissed with costs which was quantified in those orders. It was further provided that outstanding dues shall be recovered as arrears of land revenue and respondents shall be free to undertake coercive process. It was also mentioned therein that petitioner give another undertaking, not to challenge such proceedings since they would have revived due to default committed by petitioner in observance of conditions contained in this Court's judgments which were passed on the undertaking given by petitioner and with consent of both parties pursuant to such undertaking.

2. Moreover, the effect and consequence is flowing from two final judgments of this Court cannot be arrested or restricted by passing a fresh judicial order in a fresh writ petition and, in my view, this writ petition even otherwise is not maintainable.

3. Though learned counsel for the petitioner submitted that fresh cause of action has arisen due to citation dated 8.12.2012, which has been issued afresh but in effect the citation is nothing but a consequence of revival of earlier proceedings as a result of non-observance of conditions contained in this Court's judgments dated 11.4.2012 and, therefore, in effect, the petitioner wants modification or review of earlier judgments passed by this Court which is not permissible in a fresh writ petition. In my view, this writ petition, therefore, itself is not maintainable. Be that as it may, in view of above, no relief can be granted to petitioner in this writ petition. Dismissed.