

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civ. Contempt Pet. No. 40/2024

Laxminarayan Vyas S/o Late Shri Sohan Lal, Aged About 60 Years, B/c Brahmin, R/o Hospital Road, Kapasan, Dist. Chittorgarh, Rajasthan.

-----Petitioner

Versus

1. Smt. Shyama Devi W/o Late Mohan Lal Vyas, B/c Brahmin, R/o Old Udaipur Road, Infront Of Petrol Pump, Kapasan, Dist. Chittorgarh, Rajasthan.
2. Bharat Vyas S/o Late Mohan Lal Vyas, B/c Brahmin, R/o 41, New Keshav Nagar, C Block, Near Pani Tanki, Mls University Road, Near Nagda Restaurant, Dist. Udaipur, Rajasthan.
3. Indra W/o Late Shri Ashok Vyas, B/c Brahman, R/o Old Udaipur Road, Infront Of Petrol Pump, Kapasan, Dist. Chittorgarh, Rajasthan.
4. Abhishek Vyas S/o Late Shri Ashok Vyas, B/c Brahman, R/o Old Udaipur Road, Infront Of Petrol Pump, Kapasan, Dist. Chittorgarh, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Himanshu Shrimali Mr. Harish Jangid
For Respondent(s)	:	Mr. Mahendra Thanvi

HON'BLE MS. JUSTICE REKHA BORANA

Order

23/09/2025

1. The present contempt petition has been filed alleging disobedience of interim order dated 10.02.2021 passed by the Court in S.B. Civil Second Appeal No.194/2006.
2. Vide order dated 10.02.2021, the Court, besides other orders pertaining to other portions of the land in question, passed the following order:

"Further all the parties to the appeal are directed to maintain status quo pertaining to possession and construction over the suit property as it exists today. They

shall not undertake construction of any nature without seeking permission from this Court."

3. It has been submitted in the present contempt petition that despite the order to maintain status quo regarding the possession and construction over the suit property been passed by the Court, a construction is sought to be raised on the property in question. The photographs of the site in question reflecting the construction have been annexed along with the contempt petition.
4. A reply to the contempt petition has been filed on behalf of respondent Nos.1 & 2 with the specific averment that they have not raised any construction on the site in question.
5. It has been submitted that respondent No.2 is settled at Udaipur and respondent No.1 is his 80 years old mother who also usually resides with respondent No.2 at Udaipur. Therefore, both the respondents have not undertaken any construction on the disputed property.
6. It has further been submitted that respondent No.4 is not residing in India as he has shifted to China and respondent No.3 is the mother of respondent No.4 but the answering respondents are not in cordial relation with her.
7. Further on 20.08.2025, counsel had already pleaded 'No instructions' qua respondent No.4. Today, he pleads 'No instructions' on behalf of respondent No.3 too.
8. In view of the above facts, what is clear on record is that the fact of construction being raised on the disputed property has not been denied. However, respondent Nos.1 & 2 specifically aver that the said construction is not being raised by them.
9. 'No instructions' qua respondent Nos.3 & 4 have been pleaded.

10. The said facts are sufficient to conclude that the construction on the site in question has definitely been raised. The same is in clear disobedience of order dated 10.02.2021 passed by the Court.

11. In view of the above, let an application be filed by the petitioner before the Superintendent of Police, District Chittorgarh within a period of 7 days from now.

12. On the said application been filed by the petitioner, the Superintendent of Police, Chittorgarh shall be under an obligation to direct the concerned police official to provide police assistance to the petitioner for removal/demolition of the constructions on the site in question.

13. The petitioner shall be under an obligation to deposit the requisite amount as directed by the Superintendent of Police for the said police assistance.

14. The demolition/removal of the complete construction on the site in question be made within a period of two weeks from the deposition of the requisite charges by the petitioner.

15. Let a specific report of removal/demolition be filed by S.P., Chittorgarh by the next date in the present contempt petition.

16. Put up on 17.10.2025.

17. On the next date, the Court shall also pass appropriate orders of punishment qua the erring respondents.

(REKHA BORANA),J