

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 8145 of 2023

Petitioner :- Chandra Shekhar Prasad

Respondent :- Surendra Prasad Rai And 4 Others

Counsel for Petitioner :- Udai Chandani

Counsel for Respondent :- Pradeep Kumar Rai, Prajyot Rai

Hon'ble Jayant Banerji, J.

1. Heard Shri Udai Chandani, learned counsel for the petitioner and Shri P.K. Rai, learned counsel appearing for the respondent no.4.

2. This petition has been filed seeking the following reliefs:-

"i. To restrain the respondent no.1 to 5 not to take physical possession relating to the property bearing Arazi No.2, Raqba 4.8490 hectares situated at Mauja Kanera Patti Lehera, Teshil Chakia, District Chandauli, during the pendency of the Original Suit No.164 of 2023 pending before the Court of learned Civil Judge (J.D.) Chakia, Chandauli titled as (Chandra Shekhar Prasad Singh Vs. Surendra Prasad Rai & Ors.).

ii. To direct the Court of learned Civil Judge (J.D.) Chakia, Chandauli to decide the interim injunction application bearing paper no.6C in Original Suit No.164 of 2023 titled as (Chandra Shekhar Prasad Singh Vs. Surendra Prasad Rai & Ors.) within a stipulated period.

iii. Issue a suitable order or direction as this Hon'ble Court may deem fit and property under the facts and circumstances of the case."

3. A preliminary objection has been raised by Shri P.K. Rai, learned counsel for the respondent, regarding the maintainability of the aforesaid original suit itself given the fact that proceedings under Section 229-B of the U.P. Zamindari Abolition and Land Reforms Act, 1950 are pending before the competent revenue court, which court also has the power under Section 229-D to pass an order of injunction. It is pointed out by Shri Rai that by an order dated 01.07.2023, the civil court has directed issuance of notice as the court has not found any ground to pass an *ex-parte* ad-interim injunction.

4. At this stage, Shri Udai Chandani, learned counsel for the petitioner, prays that he may be permitted to withdraw this petition.

5. This petition is, accordingly, **dismissed**.

Order Date :- 22.11.2023
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(Jayant Banerji, J.)