

Court No. - 40

Case :- WRIT - C No. - 27834 of 2023

Petitioner :- Vinod Shukla

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Anand Kumar Singh, Shri Prakash Dwivedi

Counsel for Respondent :- CSC

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

1. Heard Sri Harendra Yadav holding brief of Sri Anand Kumar Singh, learned counsel for the petitioner; Sri Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondent and Sri Ashok Kumar Singh who entered appearance on behalf of Ram Pher, Shyam Pher and Shyam Ji sons of Ram Sharan Yadav against whom there is allegation of creating obstruction in agriculture work over the land in question.
2. The present writ petition has been preferred for a mandamus directing the second respondent to decide the application of the petitioner dated 27.9.2022 and also comply with the order dated 31.5.2022 passed by the competent court in favour of the petitioner within a reasonable time.
3. In pith and substance, grievance of the petitioner is that in spite of injunction accorded by the competent civil court in civil suit no. 629 of 2022 against the aforementioned persons vide order dated 31.5.2022, they are interfering in peaceful possession of the petitioner over the land in question. In this backdrop, we have asked learned Standing Counsel to seek instructions vide order dated 6.9.2023.
4. Today, when the matter is taken up, learned Additional Chief Standing Counsel has placed the detailed instructions sent by Sub Divisional Magistrate Aurai, District Bhadohi dated 10.10.2023. On the basis of instructions, he submits that in response to the directions issued by this Court, the competent authority has made spot inspection and at present there is no intervention over the land in question and there is no flouting of the order 31.5.2022. In this backdrop, he submits that cause for filing of the writ petition no more survives as the grievance of the petitioner is already

redressed by the competent authority. The said instruction is taken on record.

5. Consequently, the writ petition stands disposed of in terms of the categorical instructions. Needless to say, in case there is any flouting of the injunction order, the petitioner may approach the competent civil court under Order XXXIX Rule 2 A CPC.

Order Date :- 9.11.2023

A.K.Srivastava