

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9289 of 2023

Petitioner :- Rajendra And Another

Respondent :- State Of U.P. And 14 Others

Counsel for Petitioner :- Adya Prasad Tewari, Syed Sajjad Husain

Counsel for Respondent :- C.S.C.

Hon'ble Jayant Banerji, J.

1. When the matter was listed on 18.10.2023, on the request of learned counsel for the petitioners the following order was passed:

"On the request of learned counsel for the petitioners, the case is passed over to enable him to file an amendment application for deleting the State functionaries from the array of parties and for, thereafter, renumbering the serial numbers of the respondents."

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

"A Direct Civil Judge (Senior Division), Gorakhpur to expedite the hearing of (7-C/1) interim application (injunction) in (injunction) Original Suit No. 711 of 2023, styled as Rajendra and another Versus Jaychand and 12 others, pending before the court of Civil Judge (Senior division), Gorakhpur, if possible within one month fixing the date, day to day otherwise the petitioners shall suffer irreparable loss and injury."

3. The suit was filed seeking permanent injunction with regard to the suit property and a perusal of the array of parties in the plaint, certified copy of which has been filed as Annexure-1 to this petition reflects that the State Government is not a party.

4. A perusal of this petition reflects that the allegations are against the defendants that they are using political and police pressure because of which rights of the plaintiff-petitioners is being affected in respect of the suit property.

5. Today, counsel for the petitioners states that he will not delete the respondent nos. 1 and 2 from the array of parties as they are the persons who are creating disturbance with regard to the suit property. Learned counsel has not been able to point out any averment in the plaint making any allegation against either State Government or local police.

6. As such interference in this petition is declined and it is **dismissed**.

7. However, it is open for the petitioners to move an appropriate application before the trial court for expediting consideration of the application for temporary injunction, which the trial court would consider expeditiously.

Order Date :- 30.10.2023

sfa/

(Jayant Banerji, J)