

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9736 of 2023

Petitioner :- Anand Singh @ Anand Prakash And 2 Others

Respondent :- Land Management Committee And Another

Counsel for Petitioner :- Nitin Chandra Mishra

Counsel for Respondent :- C.S.C.,Sudhir Bharti

Hon'ble Jayant Banerji,J.

1. Heard learned counsel for the petitioner.

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

"1. Call for record or direct the court below to decide the application No. 7 Ga pending in Civil Suit No. 210 of 2023 (Anand Singh and others Vs. Land Management Committee and another) on the next date fix and further direct the party to maintain status quo over the plot No. 318 area 0.263 Hectare till the disposal of the application No. 7 Ga.

II. Call for record or direct the Court below to decide the application No. 7 Ga pending in Civil Suit No. 210 of 2023 (Anand Singh and others Vs. Land Management Committee and another) within stipulated period of time.

III. Pass such other and further order, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

3. As far as the relief no. 1 is concerned, this court is not inclined to pass any such orders in this petition. As far as the relief no. 2 is concerned, it appears from the record that a suit has been filed seeking permanent injunction against the defendant-respondents on the grounds that the plots in dispute have been settled in favor of the plaintiffs under Section 67A of the UP Revenue Code, 2006.

4. Learned Standing Counsel appearing for the State as well as Shri Sudhir Bharti, learned Standing Counsel for the Gaon Sabha have stated that the suit itself is not maintainable under the provisions of Section 206 of the UP Revenue Code.

5. A perusal of the suit reflects that the suit is one for seeking injunction, therefore, it is doubtful that the respondents can sustain their preliminary objection. The order-sheet reflects that the suit was filed on 28.7.2023, on which date the notice was directed to be issued. The court had issued a Commission by directing the court Amin to submit a report of the site. It is not stated by the learned counsel for the petitioner as to the status of

the Amin report. Under the circumstances, the relief sought in the matter is declined. However, it is expected that if the respondents are duly served and the Amin report is on record, the trial court would consider the application for temporary injunction in accordance with law provided there is no legal impediment.

6. This petition is, therefore, **dismissed**.

Order Date :- 7.12.2023

A. V. Singh

(Jayant Banerji, J.)