

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9574 of 2023

Petitioner :- Prithvi Pal And 2 Others

Respondent :- Rajnath And 2 Others

Counsel for Petitioner :- Mohd Mohiuddin Siddiqui

Hon'ble Jayant Banerji,J.

1. Heard learned counsel for the petitioners.

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

"A. A petition the petitioners are seeking for directing the court below i.e. Civil Judge (J.D.) Allahabad to hear and decide the application 6C in Suit no.1930 of 2023 (Prithvi Pal and others vs. Rajnath and others), expeditiously within short span of time, without granting any unnecessary adjournment to the parties and also direct both the parties maintain status quo till the disposal of 6C application."

3. It appears that the Original Suit No.1930 of 2023 (Prithvi Pal and others vs. Rajnath and others) was filed by the plaintiffs-petitioners in the court of the Civil Judge (Junior Division), Allahabad on 19.5.2023, in which permanent injunction with regard to a part of Bhumidhari land bearing New No. 42 and Old No.90/2 situated in Village- Bariyari, Pargana and Tehsil- Handia, District- Prayagraj, was sought.

4. It is contended by the learned counsel for the petitioners that on the application for temporary injunction bearing Paper No.6C, notice was directed to be issued by the Court on 20.5.2023. It is stated that no orders are being passed by the Court on the application 6C. It has been contended by the learned counsel for the petitioners that the aforesaid suit property is the Bhumidhari of both the petitioners and the respondents and the respondents are creating interference in 12 biswas of the land over which the plaintiffs-petitioners have full rights. Admittedly, Plot No.42 admeasures more than 1 Bigha.

5. Having heard the arguments of the learned counsel for the petitioners and perused the record, it appears that the suit property is Bhumidhari and is under the co-tenure holdership of both the plaintiffs-petitioners and the defendants-respondents. When queried, learned counsel for the petitioners has stated that no suit for partition has been filed.

6. Under the circumstances, the maintainability or otherwise of

the suit itself is rendered questionable. Therefore, the interference sought for is declined.

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

8. The Registrar (Compliance) is directed to send a copy of this order to the concerned Court within fifteen days, for record.

Order Date :- 11.12.2023

K.K.Tiwari

(Jayant Banerji, J.)