

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 10034 of 2023

Petitioner :- Namonarayan Singh

Respondent :- U.P. Avas Evam Vikas Parishad And Another

Counsel for Petitioner :- Adarsh Singh, Indra Raj Singh

Counsel for Respondent :- C.S.C., Sunil Kumar Misra

Hon'ble Jayant Banerji, J.

1. Heard learned counsel for the petitioner and Shri Pramod Kumar Singh (Advocate Roll- A/P 0390/12), Advocate holding brief of Shri Sunil Kumar Misra, learned counsel for the respondent No.1. Learned Standing Counsel appears for the State of Uttar Pradesh.

2. This petition has been filed seeking a direction to the Civil Judge (Junior Division), Kanpur Nagar for deciding the application, Paper No. 6C, filed in the Original Suit No. 125 of 2022 (Namonarayan Singh Vs. Uttar Pradesh Avas Evam Vikas Parishad Kanpur Nagar and another).

3. It appears that the aforesaid suit was filed seeking an injunction against the defendants from evicting the petitioner from Plot Nos. 271 and 272 situated in Village- Mohsinpur, Pargana and Tahsil- Kanpur Sadar, District- Kanpur Nagar. Further relief was sought for directing the defendant No. 1 to permit residential usage of 1,000 sq. ft. of agricultural land that was acquired, in terms of a compromise. It appears that in the aforesaid suit, an application 6C2 was filed in which an *ex-parte* temporary injunction was sought with regard to the suit property. On 27.1.2022, the trial court had declined to order temporary injunction but had directed issuance of notice to the respondents. The issues were framed on

16.3.2023 and the matter was being listed for disposal of the preliminary issues Nos. 3 and 4.

4. The sole contention of the learned counsel for the petitioner is that the application 6C2, that is pending, may be directed to be decided by the trial court.

5. Learned counsel for the respondents though have opposed the petition but have not disputed the fact that the application 6C2 is still pending adjudication.

6. Under the circumstances, without entering into the merits of the matter, this petition is **disposed of** with a direction to the trial court to endeavor to decide application 6C2 that is pending in the Original Suit No. 125 of 2022 (Namonarayan Singh Vs. Uttar Pradesh Avas Evam Vikas Parishad Kanpur Nagar and another), without granting any unnecessary adjournment to either of the parties and provided there is no legal impediment.

Order Date :- 14.12.2023

K.K.Tiwari

(Jayant Banerji, J.)