

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 10253 of 2023

Petitioner :- Shivraj Singh

Respondent :- The State Of U.P. And 2 Others

Counsel for Petitioner :- Anil Kumar, Sri Nivas Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Jayant Banerji, J.

1. Heard learned counsel for the petitioner.

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

"I. Issue an order or direction thereby directing the defendants/respondents maintain status quo over the land in question during the pendency of the Civil Suit No. 310 of 2020 (Shivraj Singh Versus Veerpal Singh and others) pending in the court of Civil Judge (Senior Division), Hamirpur.

II. Issue an order or direction in the nature of directing the civil Judge (Senior Division), Hamirpur, District Hamirpur to decide the Civil Suit No. 310 of 2020 (Shivraj Singh Versus Veerpal Singh and others) within reasonable period during the pendency of the petition before this Hon'ble Court."

3. It appears that Original Suit No. 310 of 2020 was filed by the petitioner against the respondents in the court of Civil Judge (Senior Division), Hamirpur seeking permanent injunction. It is evident from perusal of the array of parties in the aforesaid suit that the Land Management Committee has not been made a party and the petitioner claims that the land was duly settled in his favour under Section 67A of the U.P. Revenue Code, 2006. A perusal of the plaint further reveals that the petitioner is claiming right on the land on the basis of an exparte decree dated 29.8.1998 passed in Original Suit No. 55 of 1996.

4. It appears from perusal of the copy of the exparte judgment dated 29.8.19098, passed by the First Additional Civil Judge (Junior Division), Hamirpur, Camp Court, Rath in Original Suit No. 55 of 1996, that the exparte decree was passed injunctioning the defendants from making any road on the disputed Khalihan and not to cut any trees standing on the Khalihan and the defendants were further restrained from being interfering in the peaceful possession of the plaintiff.

5. The petitioner appears to be son of the plaintiff in Original Suit No. 55 of 1996 and none of the respondents appear to be

defendants in Suit No. 55 of 1996. The Gaon Sabha/Land Management Committee has not been made party in this suit.

6. Under the circumstances, the relief as prayed for is declined and interference is refused.

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

8. Registrar (Compliance) is required to send a copy of this order to the court concerned within fifteen days.

Order Date :- 6.12.2023

sfa/

(Jayant Banerji, J)