

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 10354 of 2023

Petitioner :- Mewa Lal

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

Counsel for Petitioner :- Hinchh Lal Pandey, Preetika Pandey

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 a petition, order or direction in the future of commanding & directing the respondents i.e specially President/Chairman, District Panchayat, Lalitpur/respondent no. 3 not to raise any construction over the land in question of the petitioner i.e Khata No. 1195 Arazi No. 3503/6 area 0.02. hectare situated at Village: Banpur, Pargana: Banpur, Tehsil: Mahrauni, District: Lalitpur during the pendency of the Original Suit No. 45/2022(Mewa Lal VS. Kapil @ Neelu Jain) pending before the learned Civil Judge (Junior Division) Mahrauni, Lalitpur, so that justice may be done.

(ii) issue any other suitable petition, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. Learned counsel for the petitioner states that despite an interim order having been granted by the trial court, the respondent no. 3 is raising constructions on the land of the petitioner.

4. Learned Standing Counsel has pointed out that an application under Order 39 Rule 2-A C.P.C. has been filed by the petitioner, which is pending before the trial court.

5. This court under Article 227 of the Constitution of India ought not grant an injunction, in the facts and circumstances of the case, as has been sought in the present petition.

6. This court accordingly declines to interfere in this matter and the petition is **dismissed**.

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

Order Date :- 8.12.2023/Vibha

(Jayant Banerji, J.)