

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 10889 of 2023

Petitioner :- Gajraj Singh

Respondent :- Chairman President Nagar Palika And Another

Counsel for Petitioner :- Ashwini Kumar Srivastava, Hemant Kumar

Counsel for Respondent :- Manu Saxena

Hon'ble Ashutosh Srivastava, J.

Heard Shri Ashwini Kumar Srivastava, learned counsel for the petitioner and Shri Manu Saxena, learned counsel for the respondents.

Present petition, under Article 227 of the Constitution of India, has been filed with limited prayer for a direction to the Civil Judge (Senior Division) Ghaziabad, to decide the Application for temporary injunction, moved by the plaintiff/petitioner on 17.08.2023, paper no. 6-C, in Suit No. 540 of 2023 (Gajraj Singh vs. Nagar Palika Parishad, Modi Nagar) within a time frame fixed by this Court.

Learned counsel for the petitioner submits that the petitioner has purchased two plots, one measuring an area of 135 Square Yards, of Khasra No. 395, and another measuring an area of 201 Square Yards, situate in Village Sikari Khurd, Pargana-Jalalabad, Tehsil Modi Nagar District-Ghaziabad through registered Sale Deeds dated 06.03.2002 and 12.05.2025, respectively. The petitioner is in possession over the said plots. Both the aforesaid plots of the petitioner falls within the area of Subhash Nagar, near Umesh Park, Modi Nagar.

The respondents without inviting any objection has started constructions of Kharanja and sewerage over the plots of the petitioner. When the petitioner raised objection the contractor told him that he has been permitted by the respondents for construction of Kharanja road and Sewerage.

Learned counsel for the petitioner submits that being aggrieved by the inaction of the respondents, plaintiff/ petitioner was constrained to file a suit for permanent prohibitory injunction in the Court of Civil Judge (Senior Division) Ghaziabad, bearing Suit

No. 540 of 2023 (Gajraj Singh vs. Nagar Palika Parishad, Modi Nagar). After filing of the said Suit also the constructions activities were not stopped, and as such the plaintiff/ petitioner moved an application for interim injunction (6-C) on 17.08.2023. The said application is pending consideration before the Court concerned.

Heard learned counsel for the petitioner and perused the record.

Learned counsel for the petitioner submits that the aforesaid application is pending since 17.08.2023 and the purpose of filing present petition shall stands served if appropriate directions are issued to the Civil Judge (Senior Division) Ghaziabad, to conclude and decide the Application, moved by the plaintiff/petitioner on 17.08.2023, paper no. 6-C, in Suit No. 540 of 2023 (Gajraj Singh vs. Nagar Palika Parishad, Modi Nagar), within the time frame fixed by this Court.

Considering the urgency as pressed by the petitioner, the present petition is ***disposed of*** by requiring the Civil Judge (Senior Division) Ghaziabad, to conclude and decide the Application, moved by the plaintiff/petitioner on 17.08.2023, paper no. 6-C, in Suit No. 540 of 2023 (Gajraj Singh vs. Nagar Palika Parishad, Modi Nagar), and pass appropriate orders on the said application, expeditiously, preferably on the next date fixed or within two months from the date fixed upon service of certified copy of the order of this Court, strictly, in accordance with law.

Order Date :- 6.12.2023

Deepak/