

Court No. - 51

Case :- WRIT - C No. - 39739 of 2023

Petitioner :- Vijay Bahadur Yadav

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Gorakh Nath Mourya, Ajeet Kumar Upadhyay, Manoj Kumar

Counsel for Respondent :- C.S.C

Hon'ble Chandra Kumar Rai, J.

1. Heard learned counsel for the petitioner and Sri G.K. Saxena, learned Addl. C.S.C. for the state-respondents.
2. The instant writ petition has been filed for mandamus, directing respondent no.3-Sub Divisional Magistrate, Mariyahun, Jaunpur to direct the private respondent nos. 4 & 5 to maintain status quo in respect to plot in dispute.
3. Counsel for the petitioner submitted that Civil Suit No.487/2009, in respect to plot in dispute, was filed by petitioner's father for cancellation of the will deed dated 29.8.2002, which is still pending before the Civil Judge (J.D.), Jaunpur wherein private respondent nos. 4 & 5 are defendant nos. 1 & 2. He further submitted that necessary direction be issued to respondent no.3 for issuing direction for respondent nos. 4 & 5 for maintaining status quo in respect to plot in dispute.
4. Sri G.K. Saxena, learned Addl. C.S.C. submitted that dispute is private in nature and the civil suit against respondent nos. 4 & 5, at the instance of the petitioner, is pending before the civil court, as such, no interference is required in the matter.
5. I have considered the arguments advanced by learned counsel for the parties and perused the records.
6. There is no dispute about the fact that Civil Suit No.487/2009, in respect to plot in dispute, filed at the instance of the petitioner, is pending before the civil court wherein respondent nos. 4 & 5 are defendant nos. 1 & 2.
7. No interference is required in the matter in exercise of power under Article 226 of the Constitution of India.
8. The writ petition is dismissed.

Order Date :- 28.11.2023

C.Prakash