

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 11738 of 2023

Petitioner :- Smt. Nirmala And Another

Respondent :- Rajveer Singh And Another

Counsel for Petitioner :- Sunil Kumar

Hon'ble Prakash Padia,J.

1. Heard learned counsel for the petitioners and perused the record.
2. Present petition has been filed by the petitioners with the prayer to direct the respondents not to interfere in the peaceful and physical possession of the Plaintiffs-petitioners on Gata No. 1050, area 0.098 hectare to petitioner no.1 and Gata No 1050, area 0.121 hectare to petitioner no.2 and also to maintain status quo till the disposal of the Original Suit No 1128 of 2023 (Udayveer and another Vs Rajveer @ Ramveer) through collector Mainpuri, pending before the Court of Civil Judge (Junior Division), Mainpuri, District Mainpuri.
3. It is argued by the learned counsel for the Plaintiffs-petitioners that petitioner no.1 is the owner of plot in dispute namely, Plot No. 1050, area 0.098 hectare and petitioner no.2 Plot No 1050, area 0.121 hectare. Plaintiff-petitioner no.1 became owner of plot No. 1050, area 0.098 hectare pursuant to sale deed executed in her favour on 22.03.2010. In so far as plaintiff-petitioner no.2 is concerned, as stated in para no.5 of the writ petition, he was granted patta in respect of Plot No. 1050, area 0.121 hectare by the Land Management Committee and thereafter his name was also recorded in the revenue record. It is further submitted that respondents are interfering in the peaceful possession of the Plaintiffs-petitioners, against which Original Suit No.1128 of 2023 was filed by the plaintiffs-petitioner in the Court of Civil Judge (Junior Division), Mainpuri on 18.09.2023 along with application for grant of interim relief, but till date no order has been passed on the same and on the other hand respondents are trying to dispossess the plaintiffs-petitioners from their land situated in Village Dheerpur, Mauja Madausi, Pargana and Tehsil Kishni, District Mainpuri.
4. In view of the order proposed to be passed, notice not to be issued.

5.From the perusal of the record, it transpires that plaintiffs-petitioners are in peaceful possession of the land as mentioned in para no.1 of the plaint pursuant to the sale deed as well as patta granted respectively.

6. In view of the fact and circumstances and also in the interest of justice, the writ petition is ***disposed of*** with a direction to the court below before whom aforesaid Original suit is pending to decide aforesaid suit most expeditiously, preferably before the next date fixed in the matter.

7. Till 31.01.2024 or till appropriate is order passed on the aforesaid suit, whichever is earlier, parties are directed to maintain status quo as on today.

Order Date :- 5.12.2023
T.S.