

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 11562 of 2023

Petitioner :- Smt.Dulari Devi And Another

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Ajay Kumar Kashyap,Amar Singh Kashyap

Counsel for Respondent :- C.S.C.,Krishna Kant Singh

Hon'ble Prakash Padia,J.

1. It is argued by learned counsel for the petitioners that the petitioners are the owner of the property in dispute by way of registered sale-deed on 26.12.2022. It is further argued that the respondent nos. 5 and 6 are very powerful persons and they want to usurp the land of the petitioners. It is next argued that the respondents are trying to interfere with the peaceful possession of the petitioners. In this regard a suit was filed by the petitioners being Original Suit No.108 of 2023.

2. After some arguments, learned counsel for the petitioners has confined his prayer to direct the court below before whom the injunction application filed in Original Suit No. 108 of 2023 by the petitioners is pending to decide the same expeditiously.

3. From the perusal of the record it transpires that the petitioners are the owner of the property in dispute by way of sale-deed but wholly illegally the respondents are interfering in the peaceful possession of the petitioners. Till then some interim protection be granted in favour of the petitioners.

4. In view of the order proposed to be passed herein, no useful purpose would be served by putting the respondent(s) to notice and keeping this petition pending before this Court. However, in case the respondent(s) feels aggrieved by the order his/her/their right to seek modification/variation of the order is being kept reserved.

5. In the facts and circumstances of the case, the present petition is disposed of directing the court concerned to decide the aforesaid injunction application ***strictly in accordance with law most expeditiously and preferably within a period of six weeks from today.***

6. Till 15.1.2024 the parties shall maintain status quo.

7. It is made clear that this Court has not expressed any opinion on merits of the case and the court below is free to pass appropriate order in accordance with law without being influenced by any observations made by this Court.

8. With the aforesaid observations, the writ petition is disposed of.

Order Date :- 16.11.2023

S.K.