

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11801 of 2023

Petitioner :- Rajnath

Respondent :- Smt. Shanti Devi And 9 Others

Counsel for Petitioner :- Pramod Pathak

Hon'ble Ashutosh Srivastava,J.

1. Heard Sri Pramod Pathak, learned counsel for the petitioner.
2. Considering the nature of the order that is proposed to be passed the notice upon the respondent nos. 1 to 10 is being dispensed with.
3. The present petition under Article 227 of the Constitution of India has been instituted with a prayer to direct the Civil Judge (Junior Division), Hawali, District Varanasi to decide the interim injunction application registered as Paper No. 6-C filed in Original Suit No. 2356 of 2021 (Rajnath vs. Smt. Shanti Devi and others) within a time framed fixed by this Court.
4. Learned counsel for the petitioner submits that the purpose of filing the present writ petition shall stands served if appropriate direction is issued to the court concerned seized with the interim injunction application of the petitioner filed in Original Suit No. 2356 of 2021 be decided within a time framed fixed by this Court.
5. It is contended that the premises in question was given on license to the defendants, however, the suit was instituted when the defendants refused to vacate the premises. Learned counsel for the petitioner submits that the defendants in the suit respondents herein have already put in appearance in the suit proceedings and

have also filed objections to the interim injunction application as well as their written statements. However, the interim injunction application has yet not been decided by the court concerned and the defendants may demolish the property of the petitioner and or changes its very nature.

6. Having heard learned counsel for the petitioner and having perused the record, this Court is of the opinion that the writ petition can be disposed of by requiring the Civil Judge (Junior Division), Hawali, District Varanasi seized with the interim injunction application Paper No. 6-C filed in Original Suit No. 2356 of 2021 (Rajnath vs. Smt. Shanti Devi and others) to be decided expeditiously preferably within a period of one month from the date of service of certified copy of the order of this Court strictly in accordance with law.

7. The writ petition is accordingly, ***disposed of.***

Order Date :- 22.11.2023

Manoj