

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12044 of 2023

Petitioner :- Shiv Shankar Shukla And Another

Respondent :- Chairman, Zila Panchayat Basti And 2 Others

Counsel for Petitioner :- Pawan Kumar Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Ashutosh Srivastava,J.

Heard Shri Alok Mishra, Advocate, under the authority of Shri Pawan Kumar Shukla, learned counsel for the petitioners and Shri Akhileshwar Singh, learned Additional Chief Standing Counsel, who has put in appearance on behalf of the defendant/respondent nos. 1 to 3.

Present petition, under Article 227 of the Constitution of India, has been filed with limited prayer for directing the Civil Judge (Junior Division) Basti, to decide the Suit No. 88 of 2022 (Shiv Shankar Shukla and another vs. Chairman Zila Panchayat and others) as also to decide the interim injunction application (Paper No. 6-C-2 dated) 12.01.2022, expeditiously, within a time frame fixed by this Court.

Learned counsel for the petitioners during the course of arguments has confined the relief for expeditious disposal of the interim injunction application paper no. 6-C-2.

Learned counsel for the petitioner submits that the defendants/respondents have already put in appearance in proceedings and filed their objections to the interim injunction application as well as the suit. He submits that the defendant/respondents are intending to construct a road over his Bhumidhari land and in such circumstances, a direction for expeditious disposal of interim injunction application, paper no. 6-C 2 is warranted. He further submits that now the suit has been fixed for 4th January, 2024.

Having heard Shri Alok Mishra, learned counsel for the petitioners and Shri Akhileshwar Singh, appearing for the defendant/respondents and taking note of the fact that the defendants/respondents are intending to construct a road on the Bhumidhari land of the petitioners and Court below has already fixed 4th

January, 2023 for disposal of the interim injunction application, paper no. 6-C 2, the present petition can be disposed of by directing the Court concerned for expeditious disposal of 6-C 2 application.

Accordingly, the present petition is ***disposed of*** by requiring the Civil Judge (Junior Division) Basti, seized with the interim injunction application 6-C 2, filed in the original Suit No. 88 of 2022, to proceed and pass appropriate orders on the said application, expeditiously, preferably on the next date fixed or within three weeks from the date fixed upon service of certified copy of the order of this Court, strictly, in accordance with law.

Order Date :- 4.12.2023

Deepak/