

Court No. - 47

Case :- WRIT - C No. - 41524 of 2023

Petitioner :- Bhanu And 38 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Vishal Khandelwal

Counsel for Respondent :- C.S.C, Avinash Chandra Srivastava

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the parties and perused the record.
2. The instant petition has been preferred for challenging the order dated 11.07.2023 passed by respondent no.2 over the application for seeking interim protection dated 18.04.2023.
3. Learned counsel for the petitioners sought attention of the Court towards the order impugned and submitted that the application for interim relief was rejected by respondent no.2 without any reasoned and speaking order wherein it has only been mentioned that there is no justification for granting interim protection.
4. Per contra, learned counsel for respondent no.4 vehemently objected the submission made by learned counsel for the petitioners and stated that the instant petition is not maintainable since the order dated 11.07.2023 is interim in nature and revision is also pending which is apparent from the order impugned and the same was posted for 12.09.2023 and as such, there is hardly any cause of action arises in favour of the petitioner to pursue the instant petition during pendency of the revision.
5. After having the rival submissions as extended by learned counsel for both the parties, the Court finds that the objection so raised by learned counsel for the respondent no.4, is not maintainable since the order dated 11.07.2023 is a final adjudication made over the application preferred by the petitioners seeking interim relief during pendency of the revision and as such, the same can be assailed by way of filing writ petition.
6. Argument raised by learned counsel for petitioners that there is hardly any reasoning given by the respondent no.2 while dismissing the application for seeking interim relief, seems to be forceful.

7. In view of the aforesaid facts and circumstances, order dated 11.07.2023 so far as it relates to the rejection of the stay application dated 18.4.2023 is concerned, is hereby quashed and set aside, the matter is remitted back to the respondent no.2 for deciding the interim prayer as made through the application dated 18.04.2023 afresh by way of affording proper opportunity of hearing to the parties and decide the same by reasoned and speaking order.

8. The abovementioned exercise shall be completed within a period of one month from the date of production of a certified copy of this order before respondent no.2.

9. The instant petition is **allowed** accordingly.

10. Till the disposal of the application for interim protection preferred by the petitioners by the respondent no.2, all the parties are directed to maintain status quo over the land in question.

Order Date :- 8.12.2023
Nitika Sri.

(Manish Kumar Nigam, J.)