

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12094 of 2023

Petitioner :- Achelal And 4 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Rahul Upadhyay

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

Hon'ble Ashutosh Srivastava, J.

1. Supplementary affidavit filed by learned counsel for the petitioners is taken on record.
2. Heard Shri Rahul Upadhyay, learned counsel for the petitioners.
3. Considering the nature of the order that is proposed to be passed notice upon the respondent nos. 1 and 2 is being dispensed with.
4. The present petition under Article 227 of the Constitution of India has been filed with a limited prayer for a direction to the Civil Judge, Junior Division, Etah, to decide the interim injunction application, Paper No. 6-C2, dated 18.08.2023, filed in Original Suit No. 565 of 2023, CNN No. UPET060007132023 (Achelal and others Vs. State of U.P and others) within a time frame fixed by this Court.
5. Learned counsel for the petitioners submits that the petitioners are a plaintiff in the Original Suit No. 565 of 2023 which has been instituted for the relief of permanent injunction along with an application seeking temporary interim injunction, Paper No. 6-C2, on which notices were issued.
6. By way of the interim injunction application the plaintiff/ petitioners has prayed for restraining the defendants from interfering in the peaceful possession of the petitioners, over the Gata No. 74, Aria 0.3080 hectare, situated at village Bahadurgarh, Pargana Etah Sakeet, Tehsil and District Etah.
7. Learned counsel for the petitioners submits that even though the defendants have not put in appearance and dates are being fixed, the interim injunction application, paper no. 6-C, has yet not been considered by the Court concerned and there is a threat of dispossession, looming over the head of the plaintiff/ petitioners,

and in such circumstances, a direction for expeditious disposal of 6-C2 application is warranted.

8. I have heard learned counsel for the petitioners and have perused the record.

9. From the order sheet of the proceedings, brought on record as annexure 1 to the supplementary affidavit, it is borne out that the defendants have not put in appearance. However, the interim injunction application is not being considered the Court is of the opinion that the petition can be disposed of by directing expeditious disposal of the interim injunction application 6C 2 which is stated to be pending since 18.08.2023.

10. Accordingly, the present petition is disposed off by requiring the Civil Judge (Junior Division) Etah, seized with the interim injunction application 6C2, filed in the Original Suit No. 565 of 2023 CNN No. UPET060007132023 (Achelal and others Vs. State of U.P and others), to proceed and pass appropriate orders on the said application, expeditiously, preferably on the next date fixed or within two months from the date fixed upon service of certified copy of the order of this Court, strictly, in accordance with law.

Order Date :- 11.12.2023

v.k.updh.