

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12227 of 2023

Petitioner :- Onkar And 4 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Nitin Raj Singh

Counsel for Respondent :- C.S.C.

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Nitin Raj Singh, learned counsel for the petitioners.
2. Learned Counsel for the petitioners is permitted to delete respondent no.1- State of U.P. from the array of parties.
3. Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Court of Civil Judge (Junior Division)/Judicial Magistrate, Iglas, Aligarh, for expeditious disposal of the application for interim injunction application (paper no.6-C) filed along with the Original Suit No.150 of 2023 (Ankar Singh and others Vs. Tejveer Singh and others).
4. Learned Counsel for the petitioners submits that the court concerned vide order dated 7.11.2023, considering the urgency in the matter, had fixed 9.11.2023 inviting objections from the respondents-defendants in a Suit for disposal of the interim injunction application (paper no.6-C). However, on 9.11.2023, only defendant - respondent no.3 appeared in the proceedings and filed his objection. However, the remaining defendants - respondents nos. 1, 2 and 4 did not appear and the matter was adjourned for effecting service upon the defendant - respondent no.1, 2 and 4 and the matter was directed to come up on the date fixed.
5. Learned Counsel for the petitioners submits that by order dated 7.11.2023, learned Civil Judge (Junior Division), Iglas, Aligarh, had fixed the matter for disposal of application (paper no.6-C) taking into account the urgency of the matter. However, the case was adjourned and now the date fixed in the Original Suit is 7.12.2023 and for framing of issues, 14.12.2023 is the date fixed. He submits that the defendants are bent upon to install a mobile tower on the plot of the petitioners and there is an urgency in the

matter. He, therefore, prays that directions be issued to the Court seized with the interim injunction application to pass appropriate order thereon within the stipulated time frame fixed by this Court.

6. I have heard learned Counsel for the petitioners and perused the record.

7. From the order-sheet, it is apparent that the Court vide order dated 7.11.2023 considering the urgency in the matter had fixed the case for 9.11.2023 for consideration of the interim injunction application. However, on 9.11.2023, the matter was adjourned and now the case is fixed for 7.12.2023.

8. Taking into consideration the totality of the circumstances and the urgency, as urged by the learned Counsel for the petitioners, this Court is of the opinion that this petition can be disposed of by requiring Civil Judge (Junior Division)/Judicial Magistrate, Iglas, Aligarh, to take up the interim injunction application expeditiously.

9. Accordingly, this petition is disposed of by directing Civil Judge (Junior Division)/Judicial Magistrate, Iglas, Aligarh, to consider and pass appropriate order on application (paper no.6-C) filed in Original Suit No. 150 of 2023 (Ankar Singh and others Vs. Tejveer Singh and others) expeditiously, preferably within a period of 3 weeks from the date of production of certified copy of order of this Court, strictly in accordance with law.

Order Date :- 1.12.2023

Irshad