

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12111 of 2023

Petitioner :- Sanjay Kumar Vishkarma

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

Counsel for Petitioner :- Ved Prakash Mishra, Pradeep Kumar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Ashutosh Srivastava, J.

Heard Shri Raj Shekhar Pandey, Advocate, under the authority of Shri Ved Prakash Mishra, learned counsel for the petitioner and learned Standing Counsel for the State.

In view of the order that is proposed to be passed notices upon the private respondents is dispensed with.

This petition, under Article 227 of the Constitution of India, has been filed by the petitioner for a direction to the Civil Judge, (Junior Division), Shahganj, Jaunpur, to decide and conclude the Case No. 72 of 2020 (Sanjay Kumar Vishkarma vs. Raj Kumar & others) within a time frame fixed by this Court.

After some arguments, learned counsel for the petitioner confines his prayer only for expeditious disposal of 6-C application filed along with the Case No. 72 of 2020.

Learned counsel for the petitioner submits that the plaintiff/petitioner is owner of the Gata No. 101, area-1.364 Hectare, situate at Mauja Bharauli, Pargana-Anguli, Tehsil-Shahganj, District-Jaunpur. The private respondents are creating hindrance in peaceful possession of the petitioner over the land in dispute by constructing a road. Against the said action of the respondents he has filed a Case No. 72 of 2020 (Sanjay Kumar Vishkarma vs. Raj Kumar & others). He further submits that along with the aforesaid case an application for temporary injunction registered as paper No. 6-C has also been filed. However, despite passage of considerable time the interim injunction application, paper No. 6-C, has not been disposed of. He thus submits that the purpose of filing the present petition would stand served if directions are issued to the Civil Judge, (Junior Division), Shahganj, Jaunpur, to decide the temporary injunction application (Paper No. 6-C) within

the time frame fixed by this Court.

Having heard learned counsel for the petitioner and having perused the record the Court deems it appropriate to dispose of the petition by requiring the Civil Judge, (Junior Division), Shahganj, Jaunpur, seized with the temporary injunction application (6-C), filed in Case No. 72 of 2020 (Sanjay Kumar Vishkarma vs. Raj Kumar & others), to consider and pass appropriate orders thereon, expeditiously, preferably on the next date fixed or within two months, from the next date fixed, without granting unnecessary adjournment to either of the parties, strictly in accordance with law.

With the aforesaid observations, the writ petition is ***disposed of***.

Order Date :- 29.11.2023

Deepak/