

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5067 of 2023

Petitioner :- Mohd. Azeem And 3 Others

Respondent :- Civil Judge (C.D.), F.T.C. Raebareli And 8 Others

Counsel for Petitioner :- Sunil Dixit, Dilip Kumar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania, J.

Heard.

In view of order proposed to be passed, issuance of notice to the private-respondent(s) is hereby dispensed with.

Present petition has been filed for the following prayer:-

"WHEREFORE, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to issuing the order by restraining the opposite party no 2 to 5 for erecting/ making the permanent structure upon the land in question Gata no. 749/0.202 situated at Kasba Bacharanwa, Tehsil Maharajganj, District Raebareli, Mohd Ajim and others Versus State of U.P & Others, during the pendency of interim injunction application dated 18.04.2012 in original suit 410/2012, and further issue direction to decide the application dated 18.04.2012 6ga2 of petitioners as early as possible or Issue such other order or direction, which this Hon'ble Court may deem, fit and proper under the facts and circumstances of the case, in favour of the petitioners. Allow the petition with cost."

Considering the fact that the suit, in issue, pending before respondent no.1/Civil Judge (S.D.), F.T.C., District- Raebareli was instituted in the months of January, 2012 and till date, the application for temporary injunction preferred by the petitioners under Order 39 Rule 1 and 2 C.P.C. has not been disposed of although as per Circular of this Court dated 16.08.2017, the application for temporary injunction should be decided within six months failing which the Court concerned is required to record reasons as also that in the application for temporary

injunction, the relief has been sought against the State particularly the Police Officers, this Court directs the respondent no. 1/Civil Judge (S.D.), F.T.C., District- Raebareli to consider the interim relief sought by the petitioner on the next date fixed i.e. 11.10.2023 and if the same could not be decided on the next date fixed, the same shall be disposed of within a period of one month thereafter.

For the purpose of disposal of the application for temporary injunction, the Court concerned shall not grant any adjournment to the defendants of the suit. It is on account of pendency of application since 2012 as also the fact that the order to proceed ex-parte has already been recalled vide order dated 23.02.2023.

It is made clear that this Court has not examined the case of either party on merits and the Authority concerned shall be free to decide the matter strictly in accordance with law.

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

Order Date :- 10.10.2023/Mohit Singh/-