

**Court No. - 3**

**Case :-** WRIT - C No. - 9371 of 2023

**Petitioner :-** Ram Sajiwan Yadav

**Respondent :-** State Of U.P. Thru. Addl. Chief Secy. Home  
Deptt. Civil Sectr. Lko. And Others

**Counsel for Petitioner :-** Durgesh Kumar Singh, Ankit Kumar  
Trivedi

**Counsel for Respondent :-** C.S.C.

**Hon'ble Vivek Chaudhary, J.**

**Hon'ble Manish Kumar, J.**

*Power* is filed by Sri Maya Ram, Advocate on behalf of opposite party Nos.5 to 9, the same is taken on record.

Heard learned counsel for the petitioner, learned Standing Counsel for the State/respondents and learned counsel for the private respondents.

Petitioner is already having an injunction order dated 23.11.2022 in his favour from the Civil Court in Original Suit No.162 of 2022 (Ram Sajivan and others Vs. Kamla and others).

Grievance of petitioner is that despite the said order, private respondents are raising construction over the property in dispute.

Learned Standing Counsel states that the spot has been measured by the revenue authorities and though it was found that the spot on which construction is being raised is not the land involved in the dispute pending in the Civil Court, however, the Police authorities in view of the said injunction order have to ensure that no construction is raised on the spot.

The dispute appears to be with regard to identification of the land. Since the matter is pending before the Civil Court, proper identification of the land should be got done by the Civil Court itself.

In view thereof, petitioner and the private respondents shall move appropriate application before the Civil Court concerned for identification of the land. The said application shall be filed by the parties within a period of ten days from today along with a certified copy of this order.

In case such an application is filed by the parties, the Civil Court concerned shall get the land identified through a Commission and pass appropriate orders in accordance with law after hearing the parties concerned.

Till the order, as directed above, is passed by the concerned Civil Court, parties are directed to maintain status quo on the spot.

With the aforesaid directions, the writ petition stands disposed of.

**(Manish Kumar, J.) (Vivek Chaudhary, J.)**

**Order Date :- 28.10.2023**

Arjun/-