

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5652 of 2023

Petitioner :- Smt. Mangla Devi @ Savitri Devi And 2 Others

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Civil Sectt. Lko.
And 2 Others

Counsel for Petitioner :- Parijat Mishra Belavra, Chandra Shekhar Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Rajnish Kumar, J.

Heard Sri Chandra Shekhar Shukla, learned counsel for the petitioners and learned Standing Counsel for the respondent no.1.

Learned Standing Counsel at the outset submits that the State has wrongly been impleaded.

Learned counsel for the petitioners submits that the petitioners have filed a suit for permanent injunction alongwith application for temporary injunction, on which notices have been issued on 14.09.2021 but till date the same has not been disposed of. He further submits that the opposite party no.3, who is the defendant in the suit is selling out the properties, on account of which, one suit for cancellation of sale deed and permanent injunction bearing Regular Suit No.1360 of 2021 has already been filed by the petitioners. Therefore in case the application for interim injunction is not disposed of at the earliest, the other properties may also be sold out by the respondent no.3, which will lead to multiplicity of litigation and the petitioners will not be left with any option for livelihood. He further submits that the case is now fixed on 05.1.2024. However, perusal of the order sheet annexed by the petitioners does not indicate that the application for interim injunction is being pressed by the petitioners before the concerned court. It is also not clear as to whether the notices have been served or not, though learned counsel for the petitioners submits that the notices have been served.

Considering the nature of order proposed to be passed, requirement of issuance of notice to the opposite party no.3 is dispensed with. Opposite party no.2 is the court concerned.

In view of above, without entering into the merits of the case, the petition is **disposed of** with liberty to the petitioners to move appropriate application for expeditious disposal of the application for interim injunction filed alongwith Regular Suit No.1108 of 2021 showing urgency in the matter before the

concerned court. In case any such application is moved within a period of ten days from today before the concerned court, the concerned court shall consider the same and pass appropriate orders thereon within a further period of two weeks and proceed accordingly in accordance with law.

Order Date :- 6.11.2023

Akanksha