

Court No. - 3

Case :- WRIT - C No. - 9814 of 2023

Petitioner :- Smt. Shakira And Others

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

Counsel for Petitioner :- Mukesh Kumar Tewari

Counsel for Respondent :- C.S.C.

Hon'ble Vivek Chaudhary,J.

Hon'ble Om Prakash Shukla,J.

1. Heard learned counsel for petitioners and learned Standing Counsel for the State.
2. Petitioners have approached this Court claiming that though they were having an injunction order from the trial court in a suit, which was later on changed in Appeal No.11 of 2022 by appellate court by its order dated 28.5.2022 to an order of status quo, but still police personnel are interfering in the possession of petitioners on behalf of private respondents. Learned counsel for petitioners, therefore, submits that petitioners are not having any efficacious remedy available.
3. Learned Standing Counsel strongly opposes the writ petition, saying that petitioners have an effective alternative remedy of filing an application under Order 39 Rule 2A of CPC in case any person is violating the orders of the Court.
4. In the present case, it is always open for the petitioners, in case they so believe that an order of the Civil Court is not being complied with, to file an application under Order 39 Rule 2A of CPC before the appropriate court, which is expected to proceed with the same in accordance with law. The petitioners can further move an application for enforcement of orders of the Civil Court by the administrative/police authorities.
5. It goes without saying that administrative/police authorities are bound to give effect to the orders of the Court.
6. With the aforesaid liberty, present writ petition is ***consigned to record.***

[Om Prakash Shukla,J.] [Vivek Chaudhary,J.]

Order Date :- 17.11.2023

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