

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8813 of 2023

Petitioner :- Baburam Maurya And Others

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. And Others

Counsel for Petitioner :- Manish Pandey, Naveen Awasthi

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioners, learned A.G.A. for the State/respondents and perused the material placed on record.

This writ petition has been filed by the petitioners with the prayer to issue a writ of Mandamus restraining the respondent Nos.3 & 4 from preventing/stopping the petitioners from doing agricultural work which is admittedly in possession of the petitioners since long, who are arbitrarily and illegally preventing the petitioners from doing agricultural work on the land in question.

Learned counsel for the petitioners submits that the petitioners are in possession of the land Gata No.1089/1.706 Hectare, situated in Village Basantpur, Pargana-Minjhaura, Tehsil-Bhiti, District Ambedkar Nagar regarding which a case under Section 116 of the U.P. Revenue Code (Fanne Lal Vs. Baburam and others) is pending in the Court of Sub Divisional Magistrate, Bhiti, Ambedkar Nagar, wherein there is an interim order dated 08.05.2023 directing maintenance of the status quo and for not making any construction or destroying the property in question. A copy of the said interim order has been filed as Annexure No.2 to the writ petition.

Opposite party No.4 not being satisfied with the said interim order has colluded with the local police station and is not letting the petitioners cultivate the property in question. There is nothing in the order passed by the S.D.M., Bhiti preventing the petitioners from doing the agricultural activity on the said plot. Moreover, since the interim order was obtained ex-parte, the petitioners have filed a recall application before the S.D.M., Bhiti, a copy of the said application has been filed as Annexure No.3 to the writ petition.

This Court having gone through the pleadings on record, finds no good ground to show interference in the matter.

Accordingly, the writ petition is hereby **dismissed**.

Order Date :- 17.11.2023

ML/-