

Court No. - 3

Case :- WRIT - C No. - 10538 of 2023

Petitioner :- Maidani Das Kutti Malik Chalak Jeeop Taxi Kalyan Samiti Thru. Chairman Sri Harish Chandra Rastogi

Respondent :- District Magistrate , Bahraich And Others

Counsel for Petitioner :- Shiv Pal Singh, Ambrish Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

1. Heard learned counsel for parties.

2. Petitioner has approached this Court for the following main reliefs:

"[I] Issue a writ, order or direction in the nature of Mandamus thereby commanding and directing the opposite parties No.2 to 4 to ensure the compliance of order dated 28.03.2023 passed by the court of learned Civil Judge (Junior Division), Bahraich, as contained in Annexure No.1 to this writ petition.

[II] Issue a writ, order or direction in the nature of Mandamus thereby commanding and directing the opposite party No.4 to restrain the opposite parties no.5 and 6 from illegal construction of the wall on the land of the stand, in the interest of justice."

3. Learned counsel for petitioner submits that petitioner had filed a Civil Suit No.735 of 2023 in which an order for maintaining status quo was passed by the court of Civil Judge (Junior Division), Bahraich on 28.3.2023, but the same is not being complied with. The petitioner has also filed an application under Section 151 of C.P.C. in the said case, which is pending before the court concerned. It is also informed that the matter is fixed for 19.12.2023. Learned counsel for petitioner prays that the said application may be directed to be decided by the court concerned in a time bound manner.

4. Learned Standing Counsel has no objection to the same.

5. In view thereof, the concerned Civil Judge (Junior Division), Bahraich is directed to decide the application filed by petitioner under Section 151 of C.P.C. in the aforesaid suit on the next date fixed i.e. 19.12.2023 or thereafter, proceed on day-to-day

basis and decide the same as expeditiously as possible, by a reasoned an speaking order, if possible, within a period of six weeks in accordance with law after hearing all parties concerned. It shall be open for the petitioner to file an application for compliance of the aforesaid order through police force etc. in accordance with law and the administrative and police authorities are expected to comply with the order passed by the Civil Court.

6. With the aforesaid directions, present writ petition stands ***disposed of.***

[Manish Kumar,J.] [Vivek Chaudhary,J.]

Order Date :- 4.12.2023

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