

Court No. - 3

Case :- WRIT - C No. - 10542 of 2023

Petitioner :- Sitaram

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

Counsel for Petitioner :- Ashok Kumar Yadava

Counsel for Respondent :- C.S.C.,Mohan Singh

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

Heard learned counsel for the parties and perused the record.

The present writ petition has been filed with the following main prayers:

"I. to issue a writ, order or direction in the nature of mandamus commanding the opposite parties, specially opposite party no.2 and 5 to prevent the private opposite parties from interference in peaceful possession of the petitioner over the land in question in pursuance of the interim order granted by the learned court below."

Learned counsel for the petitioner has submitted that the petitioner has filed a suit bearing O.S. No.2123 of 2023 for permanent injunction alongwith application for temporary injunction, which was allowed by means of order dated 18.08.2023 by the Civil Judge (J.D.), Raibareli. It is further submitted that despite the interim order granted by the court below, the opposite parties are interfering in peaceful possession of the petitioner. It is further submitted that the petitioner has also filed an application under Order 39 Rule 2A C.P.C., which is pending before the Court below.

In view of above, the Civil Judge (J.D.), Raibareli is directed to decide the application under Order 39 Rule 2A C.P.C. pending before him within a period of two months after hearing all parties concerned. Petitioner is also at liberty to file an application for implementation of interim order granted by the court's below, which shall also be considered and decided by

the court concerned.

It goes without saying that all the police and administrative authorities are duty bound to ensure the compliance of order passed by this Court.

With the aforesaid, the writ petition is disposed of.

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

Order Date :- 4.12.2023

S. Kumar