

Court No. - 3

Case :- WRIT - C No. - 11197 of 2023

Petitioner :- Ram Het

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Civil Sectt.
Lko. And 4 Others

Counsel for Petitioner :- Mohd.Mateen,Hamid Razzaq

Counsel for Respondent :- C.S.C.,Sudheer Tripathi

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

Sri Sudheer Tripathi, Advocate has filed his vakalatnama on behalf of respondent no.4, which is taken on record.

Heard learned counsel for the parties.

The petitioner has approached this Court claiming that despite original suit no.317 of 1999 pending before the civil court, in which a status quo order order has been passed. The Sub Divisional Magistrate concerned had wrongly initiated proceedings under Section 145 of Cr.P.C. In the same, he had attached the property and gave it to the *supurdgar* by order dated 01.07.2023. The S.D.M. has withdrawn the proceedings under Section 145 of Cr.P.C. but till date the possession which was handed over to the *supurdgar* has not been returned back in accordance with law.

Learned counsel for the respondent no.4 states that the respondent no.4 is entitled for possession.

Be it as it may, once the possession is taken and given to *supurdgar* by the Sub Divisional Magistrate in proceedings under Section 145 CrPC, now stands dropped by order dated 01.07.2023, it is the duty of the Sub Divisional Magistrate concerned to return back the possession to the person from whom he has taken the possession.

In view of the above, it is directed that the Sub Divisional Magistrate concerned shall pass appropriate order after hearing all parties concerned, in accordance with law within a period of two weeks from the date a certified copy of this order is placed before him.

With the aforesaid directions, the writ petition is **disposed of**.

(Manish Kumar,J.) (Vivek Chaudhary,J.)

Order Date :- 22.12.2023/Manoj K.