

Court No. - 2

Case :- WRIT - C No. - 5644 of 2024

Petitioner :- Sunil Kumar Tiwari @ Sonu Tiwari

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

Counsel for Petitioner :- Mohd. Salman, Ana Fatma, Mukhtar
Ahamad

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur, J.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard Mohd. Salman, learned counsel for the petitioner, learned Standing Counsel for the State-respondent Nos.1 to 3.
2. In light of the proposed order, the notices to respondent No.4 is dispensed with.
3. The dispute in the present case relates to ancestral temple as well as agricultural land situated at Gata No.77-kha, 80-kha, 81-kha, 120-kha, 121-kha, 122-kha, 124-kha, 125-kha, 126-kha, 128-kha, 129-ka, 131, 224-ka, 225-ka, Village Bhikkhanpur, Gopalpur, Pargana Bangermau, Tehsil Bangermau, District Unnao.
4. It has been submitted that with regard to the said dispute a suit was preferred by respondent No.4 in the court of Civil Judge, Junior Division, North, Unnao being Suit No.479/2014 where an *ex parte* decree was passed in his favour on 05.04.2023. The petitioner has preferred an application for setting aside the *ex parte* decree which is still pending. On the other hand, the petitioner has submitted that they have filed another suit which is pending adjudication before the court of Civil Judge, Senior Division, Unnao seeking direction to restrain the respondent No.4 from interfering in the land pertaining to the temple trust.
5. In view of aforesaid arguments advanced by learned counsel for the petitioner, this Court finds that during pendency of the aforesaid suit proceedings, the present petition has been filed praying for a direction to the Superintendent of Police, Unnao and S.H.O. police station Behata Mujawar, District Unnao to take appropriate legal action against the respondent No.4 and to decide his application dated 07.06.2024 moved before the Superintendent of Police, Unnao. In his application dated

07.06.2024, he has reiterated the contents of the plaint filed before the court of Civil Judge, Senior Division, Unnao and sought interference of the police authorities to restrain respondent No.4.

6. Considering the aforesaid arguments raised by the petitioner as well as perusal of the record, this Court is of the considered view that the relief sought by the petitioner cannot be granted for the following reasons:-

Firstly, respondent No.4 has already obtained decree in his favour from the court of Civil Judge, Junior Division, North, Unnao on 05.04.2023 where after detailed reasoning, his contention has been duly accepted by the trial court and defendants therein have been restrained from interfering in the working of the plaintiff therein with regard to temple property and trust. In light of aforesaid judgment and decree and without any contrary order from any court of competent jurisdiction, the police authorities cannot be directed to act contrary to the verdict given by the trial court therefore, such an application is not maintainable and even such application is given to the police authorities they cannot be directed to act contrary to the directions given by the trial court in suit proceedings. Even otherwise, there is plethora of judgments stating that in civil disputes, the police authorities have no jurisdiction to act.

Secondly, the reason for not accepting the contention of the petitioner is that the suit filed by him is pending before the court of competent jurisdiction and only on the satisfaction of the court, a direction as prayed by him be issued in any view of the matter. The application of the petitioner cannot succeed neither in light of the judgment of the trial court nor in light of the suit proceedings which are pending at the behest.

7. Accordingly, this Court finds that petition is bereft of merits and is accordingly ***dismissed***.

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(Arun Kumar Singh Deshwal, J.) (Alok Mathur, J.)

Order Date :- 27.6.2024
Saurabh Yadav/-