

Court No. - 2

Case :- WRIT - C No. - 6007 of 2025

Petitioner :- Ramesh Kumar

Respondent :- State Of U.P. Thru. Secy.Revenue Lko And 7 Others

Counsel for Petitioner :- Rakesh Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Rakesh Kumar, learned counsel for the petitioner and learned Standing Counsel appearing on behalf of respondents-State.
2. In the light of the order proposed to be passed, issuance of notices to the private respondents are dispensed with.
3. It has been submitted by learned counsel for the petitioner that the petitioner is the owner of the land being Gata No.182/0.044 hect., 183/0.095 hect., 184Kh/0.013 hect. situated at Village- Bhawanipur, Pargana- Suryapur, Tehsil- Ram Sanehi Ghat, District Barabanki. The dispute had arisen with respect to the said land with the private respondents, for which, the petitioner had filed a suit for injunction before the Court of Civil Judge (J.D.) Ram Sanehi Ghat, Court No.14, Barabanki in Civil Suit No.44 of 2010 and interim injunction was passed in favour of the petitioner on 23.04.2010 directing the parties to maintain status quo over the Gata No.182 and half portion of the Gata No. 184Kh. It has been submitted that subsequently demarcation proceedings were carried out and adverse orders were passed against the petitioner which were assailed before this Court in Misc. Single No.29347 of 2021 where again this Court had passed an order dated 15.12.2021 staying the

operation of the orders dated 19.01.2018 and 22.03.2021. It has further been submitted that private respondents had violated the order dated 15.12.2021. Contempt proceeding has also been instituted being Contempt Application (Civil) No.1757 of 2025 which is pending before this Court.

4. In the aforesaid circumstances, the present writ petition has been filed seeking a direction to the State respondents to restrain the private respondents from making illegal constructions over the disputed land and also ensure compliance of the order passed by the Civil Judge (S.D.), Barabanki in Suit No.44 of 2010.

5. It is noticed that with regard to the grievance of the petitioner, the private respondents have also resorted to the legal recourse of filing a civil suit before the Civil Judge (J.D.), Ram Snehi Ghat, Barabanki which is pending consideration and even status quo order has been passed in their favour with regard to the demarcation proceedings. The said order has been stayed by this Court in Writ Petition No.29347 of 2021 and further also instituted contempt proceeding, where it is alleged that the order of this Court has been disobeyed by the private respondents. Even in the aforesaid circumstances, we find that the grievance as raised in the present writ petition, if any, can be raised by the petitioner in any of the proceedings instituted by him as detailed hereinabove. During the pendency of aforesaid proceedings, a fresh writ petition seeking direction to the State respondents to restrain the private respondents would not be maintainable. Even otherwise, there is no order of the court of competent jurisdiction directing the State respondents from restraining the private respondents and in absence of any such direction, no orders can be passed by this Court in the present case.

6. In any view of the situation, this Court is of the considered view that, in case, where the interim injunction passed by the civil court is violated, only remedy for the petitioner to approach before the trial court with an application under Order 39 Rule 2A of C.P.C. and after verifying the allegation with regard to the disobedience of the said order, civil court is totally empowered to pass appropriate orders to ensure compliance of the interim injunction. The aspect of violation of status quo itself involves determination of disputed question of fact for which purposes, the matter ought to be duly considered and decided by the trial court after considering the evidence on record. Such disputed questions cannot be determined in writ proceeding.

7. In the aforesaid circumstances, the present petition would not be maintainable. However, it is available for the petitioner to place the present facts in any of the proceedings already instituted by him.

8. Subject to the aforesaid directions, the petition stands **dismissed**.

Order Date :- 24.6.2025

A.Kr*

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