

Court No. - 2

Case :- WRIT - C No. - 5973 of 2025

Petitioner :- Smt. Gudiya Singh And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Revenue And 9 Others

Counsel for Petitioner :- Rajneesh Kumar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Rajneesh Kumar Pandey, learned counsel for the petitioners as well as learned Standing Counsel for the respondent nos.1 to 4.

2. In the light of the order proposed to be passed, issuance of notices to the private respondents are dispensed with.

3. It is submitted by counsel for the petitioners that the dispute is existing between the petitioners and private respondent nos.5 to 10 where the petitioners have filed Regular Suit No. 221 of 2025 (Smt. Gudiya Singh and another vs Satya Dev Mishra and others) before the Court of Civil Judge (S.D.), Gonda. It is further submitted that in the disputed suit proceeding, an interim injunction dated 26.05.2025 has been passed restraining the respondents from interfering in the peaceful possession of the petitioners. The grievance raised in this petition is that despite interim injunction dated 26.05.2025, private respondents with the assistance of local police, are interfering in the possession of the petitioners. It is further submitted that the petitioners have approached various State authorities in this regard but no action has been taken. Hence the present petition has been filed seeking a direction to the State authorities to ensure compliance of the interim injunction dated 26.05.2025.

4. Learned Standing Counsel, on the other hand, submitted that in case injunction order has been passed by the competent court, then opposite party nos.2 to 4 do not have any role in executing the order passed by the trial court unless specific direction is passed. It is further submitted that the dispute is

private dispute between the petitioners and private respondents and the State respondents have no role to play.

5. Considering the rival contention, it is noticed that the petitioners have filed a civil suit against the private respondents which was registered as Civil Suit No.221 of 2025 before the Civil Judge (S.D.), Gonda wherein interim injunction has been passed on 26.05.2025. Though, it seems that petitioners have approached various authorities but no application under Order 39 Rule 2A of C.P.C. has been filed before the competent court bringing its notice with regard to the violation of injunction dated 26.05.2025. We are in agreement with the argument raised by the State respondents that once an interim injunction has been passed, the State authorities could have no role to play unless and until specific order is passed by the trial court. In this regard, appropriate remedy for the petitioners is to approach the competent court under Order 39 Rule 2A of C.P.C. and it is only after determining the facts stated by the petitioners, appropriate order will be passed in proceeding under Order 39 Rule 2A, as undoubtedly the disputed question of facts with regard to the possession even this Court would not interfere in such a matter and specially order when civil suit is pending before the competent court.

6. For the aforesaid reasons, the remedy open for the petitioners is to approach the trial court and trial court after due consideration of facts, is fully competent to pass appropriate order.

7. With the aforesaid observation, the petition stands **disposed of**.

Order Date :- 23.6.2025

A.Kr*

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