

Court No. - 2

Case :- WRIT - C No. - 6077 of 2025

Petitioner :- Muzammil Asad

Respondent :- State Of U.P. Thru. Chief Secy., Revenue And Others

Counsel for Petitioner :- Ashok Kumar, Kubra Fatima, Mohsin Asad

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

Hon'ble Alok Mathur, J.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard Ms. Kubra Fatima, learned counsel for the petitioner, learned Standing Counsel appearing on behalf of the State respondents and Sri Mohan Singh, learned counsel appearing on behalf of the Gaon Sabha.

2. In the light of the order proposed to be passed, issuance of notice to the private respondent is dispensed with.

3. It has been submitted by the counsel for the petitioner that the petitioner is Sankramniy Bhoomidhar (transitional landowner) of land Gata No.573, area 0.0630 hect. situated at Gram- Jasmand, Pargana and Tahsil- Rudauli, District Ayodhya while private respondent is deliberately and illegally encroaching upon the said land and constructed a drain and wall. It has further been submitted that with regard to the said dispute, a civil suit has been filed by the petitioner before the Civil Judge (J.D.), Haveli, Faizabad for restraining the respondents along with application for injunction. It has further been submitted that the Additional Civil Judge (J.D.) Haveli, Faizabad passed an order of temporary injunction on 30.05.2025 restraining the respondents from interfering in the peaceful possession of the petitioner but despite the injunction order dated 30.05.2025, the private respondent is proceeding to raise such construction. In this regard, the petitioner has moved an application before the State authorities but no action has been taken. Consequently, present petition has been filed seeking a direction to the SHO, Police Station Rudauli, District Ayodhya to restrain the private respondents from raising the said construction in compliance of the order of the civil court dated 30.05.2025.

4. We have noticed that firstly merely because interim injunction has been passed by the civil court, no right vests with

the SHO to take suo moto cognizance and restrain the private individuals from making any construction. In case, order of temporary injunction is violated, a remedy open to the petitioner to move a suitable application before the competent court under Order 39 Rule 2A of the C.P.C. and after verifying the facts, on the basis of the material available on record, is fully empowered to take cognizance and pass appropriate orders in this regard. Unless and until specific directions are issued to the State authority to interfere in the matter. We are of the considered view that no interference can be made by them in an application made by a person in whose favour the order exists.

5. Accordingly, we find that efficacious statutory remedy is available to the petitioner and petitioner is relegated to the same. In case, the petitioner moves an application under Order 39 Rule 2A before the competent court, the same shall be considered expeditiously.

6. With the aforesaid directions, the petition stands **disposed of**.

Order Date :- 26.6.2025

A.Kr*

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