Court No. - 1

Case :- WRIT - C No. - 10525 of 2024

Petitioner :- Ram Autar

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko And 8 Others

Counsel for Petitioner :- Sonam Kumari Thapa

Counsel for Respondent :- C.S.C.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Subhash Vidyarthi,J.

Heard learned counsel for the parties.

The petitioner claims to be a share holder of undivided bhumidhari land. It appears that some part of the land is under his possession alongwith the other co-sharer. So long as the partition takes place between his and the co-sharer, the rights are co-extensive.

That being so, the petitioner having an equal right of enjoyment of the land recorded in his name cannot be deprived altogether from the peaceful enjoyment. The petitioner's wife has already raised a grievance before the police authority.

In case any such application is made before the Superintendent of Police of the district concerned, the same shall be considered and decided in accordance with law.

However for claiming an exclusive right of enjoyment over the joint holding to the extent of his share, it would be open for the petitioner to institute the proceedings for partition and in any case any such proceedings are instituted by the petitioner the same shall be decided expeditiously in accordance with law.

The writ petition is accordingly ***disposed of.***

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(Subhash Vidyarthi,J.) (Attau Rahman Masoodi,J.)

Order Date :- 11.12.2024

Shahnaz

Digitally signed by :-
SHAHNAZ BANO
High Court of Judicature at Allahabad,
Lucknow Bench