2026:AHC:211186

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 29551 of 2026

Dindayal

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s) : Hiralal
Counsel for Respondent(s) : Bhupendra Kumar Tripathi, C.S.C.

Court No. - 37

HON'BLE CHANDRA KUMAR RAI, J.

1. Heard Sri Hiralal, learned counsel for the petitioner, Sri Indra Mani Kushwaha, learned standing counsel for the state and Sri Bhupendra Kumar Tripathi, learned counsel for the Gram Sabha.

2. The instant writ petition has been filed for the following reliefs:-

> **"(i) Issue a writ, order or direction in the nature of mandamus, directing the Up Ziladhikari, Tehsil Sadar Chandauli, District Chandauli to decide the application dated 1.6.2026 of the petitioner within the stipulated period (Annexure No.1 to the writ petition)**
>
> **(ii) Issue a writ, order or direction in the nature of mandamus, directing the respondent no.3 to restrain the illegal construction of respondent nos. 5 to 7 over the arazi no.161, area 0.2060 hectare, situated at Village Sudhana, Pargana Narvan, Tehsil Sadar, District Chandauli".**

3. Counsel for the petitioner submitted that petitioner is the recorded owner of plot no.161. He further submitted that Civil Suit No.484 of 2020 for injunction filed by the petitioner in respect to plot in question, is pending and interim injunction is operating. He further submitted that in spite of the interim injunction granted in the pending suit, gram sabha is constructing road in the *bhumidhari* plot no.161 belonging to the petitioner. He submitted

that respondent authority be directed not to interfere in the peaceful possession of the petitioner in respect to plot no.161.

4. I have considered the arguments advanced by learned counsel for the petitioner and perused the records.

5. There is no dispute about the fact that civil suit filed on behalf of the petitioner for injunction in respect to plot no.161 is pending and interim injunction is operating.

6. Since the petitioner has a remedy to file an application Under order 39 Rule 2A of C.P.C. in the pending civil suit, if there is any disobedience of the interim injunction order passed in the suit proceeding, as such writ petition for mandamus to restrain the respondent authorities, cannot be entertained.

7. No interference is required in the matter.

8. The writ petition is dismissed.

October 8, 2026
C.Prakash

(Chandra Kumar Rai,J.)

Digitally signed by :-
CHANDRA PRAKASH
High Court of Judicature at Allahabad