2026:AHC:209826-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 39099 of 2026

Vinod Kumar

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Jawahir Yadav, Manish Yadav, Sarvesh Yadav
Counsel for Respondent(s)	:	C.S.C.

Court No. - 1

HON'BLE AJIT KUMAR, J.
HON'BLE GARIMA PRASHAD, J.

Heard Sri Anoop Kumar Sharma, learned Advocate holding brief of Sri Jawahir Yadav, learned counsel for the petitioner and Sri Sandeep Singh, learned State Law Officer for the State respondents.

By means of this petition filed under Article 226 of the Constitution, petitioner wants protection from the police authorities pursuant to the injunction order dated 16th May, 2015 passed by the Civil Judge (S.D.), Ghaziabad *qua* plot No.- F-333 in O.S. No.- 1488 of 2014.

It is contended by learned counsel for the petitioner that interim injunction order dated 16th May, 2015 is still operating and yet the defendants – respondents are interfering and the police authorities are helping them out.

It further transpires that against the order of temporary injunction defendants filed first appeal being First Appeal From Order No.- 1819 of 2015 before this Court and this Court while entertaining the appeal passed modified temporary injunction order in following terms:

"List this case after service of notice. Till the next date of listing both parties are restrained from creating third party interest over the property in dispute and status quo shall be maintained by the parties."

It is contended that in view of the temporary injunction order initially passed by the trial court and order of *status quo* passed by the court of

appeal, would be taken to be further affirming the possession of the party, who was there at the time of filing of appeal and naturally since the petitioner was in possession and was having injunction order, now the police authorities cannot interfere in such matters of civil dispute between the private parties and cannot throw out the appellants in getting possession or in any manner cause interference.

We have perused the order of this Court dated 16th July, 2015 quoted herein above and we are of the view that *status quo* as to the nature and possession as a matter of fact required investigation and inquiry.

There is no allegation regarding third party rights is creating in respect of the suit property, however, petitioner if, is aggrieved can move an application either under Order 39 Rule 2-A or under Section 12 of the Contempt of Courts Act, 1971 complaining the violation of the order of temporary injunction/ stayed vide order dated 16th July, 2015 passed in First Appeal From Order No. 1819 of 2015 and hence we decline to grant indulgence in the matter with liberty granted to the petitioner aforesaid.

However, we may clarify that the police authorities and district administration cannot interfere in civil dispute between the private parties unless law and order situation so demands.

With the aforesaid observations and directions, this petition stands disposed of.

(Garima Prashad,J.) (Ajit Kumar,J.)

October 7, 2026
Atmesh

Digitally signed by :-
ATMESH KESARI
High Court of Judicature at Allahabad