2026:AHC:209562

HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL FROM ORDER No. - 2873 of 2026

Raj Kumar And 10 Others

.....Appellant(s)

Versus

Nagar Palika Parishad

.....Respondent(s)

Counsel for Appellant(s) : Syed Mohammad Abbas Abdy
Counsel for Respondent(s) :

Court No. - 54

HON'BLE ANIL KUMAR-X, J.

1. Shri Syed Mohd. Abbas Abdy, learned counsel for the appellant is present.

2. This appeal has been preferred by the appellant with a prayer to set aside the impugned order dated 24.8.2026 passed by Civil Judge (S.D.)/F.T.C., Bulandshahr in Original Suit No. 1542 of 2025, C.N.R. No. UPBU05-002197-2025 (Raj Kumar and others Vs. Nagar Palika Parishad). By means of the said impugned order, the application seeking temporary injunction moved by the plaintiffs has been dismissed by the learned trial court.

3. For the sake of convenience, the parties hereinafter shall be referred to by their nomenclature as assigned in the plaint. The appellants at present are the plaintiffs and the respondent is the defendant in the aforesaid suit.

4. Learned counsel for the appellants submitted that the appellant-plaintiffs were granted lease over a land bearing Gata No. 1885 admeasuring area 0.4810 hectares by the concerned Gram Sabha on 30.04.1969. Since then all the plaintiffs are in possession over the said land and have also constructed their houses. All the plaintiffs were residing in their houses constructed over the said land since 28.05.2025. But, suddenly the respondent-defendant, without even issuing notices to the plaintiffs, arrived at their houses and threatened them to dispossess them by demolishing their houses.

5. It was further submitted that leases executed in favour of the plaintiffs

were submitted before the learned trial court but the same were discarded without any sufficient cause. The leases were granted in the year 1969 by the concerned Gram Sabha when there was no need for any approval from the concerned SDM. Even the said land, which belonged to the Gram Sabha, was never transferred in favour of the Nagar Palika Parishad, but the defendant, that is Nagar Palika Parishad, started interfering into the peaceful possession of the plaintiffs without having any title over the said land.

6. It was also submitted that a writ petition on behalf of the plaintiffs was filed before this Court wherein the issue was raised. The Court being satisfied by the grievances raised by the plaintiffs, granted protection directing them to file a suit before the Civil Court, subsequent to which the present suit was filed. But these issues were completely ignored by the learned trial court, as such the impugned order passed by the learned trial court refusing to grant injunction in favour of the plaintiffs is liable to be set aside.

7. Heard learned counsel for the appellant-plaintiffs and perused the impugned order passed by the trial court.

8. As this Court finds it expedient to decide this case at the stage of admission itself, issuance of notice to the respondent is dispensed with.

9. It is very much evident that the lease deed relied upon by the plaintiffs, which is also part of the record, reveals that the said lease deed was executed exclusively by the concerned Gram Pradhan wherein the lease allottees were identified by the concerned Halka Lekhpal. Apart from it, the findings recorded by the learned trial court also reveal that the disputed land initially vested in the Gram Sabha and was a 'banjar' land. The said land was subsequently transferred and vested in favour of the Nagar Palika Parishad, Sikandarabad in the year 2016 after the area of Nagar Palika Parishad was extended.

10. The aforesaid facts, *prima facie*, reveals that the land, which initially belonged to Gram Sabha, was subsequently transferred in favour of the Nagar Palika Parishad. The alleged leases upon which the plaintiffs have placed reliance do not appear to be convincing. Hence, the impugned

order passed by the learned trial court does not warrant any interference.

11. In view of the aforesaid, this appeal is **dismissed**. The impugned order dated 24.8.2026 passed by Civil Judge (S.D.)/F.T.C., Bulandshahr in Original Suit No. 1542 of 2025 is upheld.

(Anil Kumar-X,J.)

October 7, 2026
SK

Digitally signed by :-
SUSHEEL KUMAR
High Court of Judicature at Allahabad