HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 43921 of 2026

Buddhi Ram

.....Petitioner(s)

Versus

State Of U.P. And 9 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Deepak Kumar Pandey
Counsel for Respondent(s)	:	C.S.C.

Court No. - 1

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

1. By means of present petition under Article 226 of the Constitution of India, petitioner has prayed for a mandamus commanding the police authority, district administration and revenue authority not to demolish construction of the petitioner existing on his bhumidhari land bearing plot no. 179 situated in village Alawalpur Afgan, Pargana Mohammadabad, Tehsil Kasimabad, District Ghazipur, regarding which Original Suit No. 23 of 2026 is pending for consideration before the court concerned in which stay order in the nature of status quo is operating. He submits that despite the order of status quo, the defendants are not complying with the directions of the order of temporary injunction.

2. Per contra, it is argued by learned Additional Chief Standing Counsel that the petitioner himself is violating the order of temporary injunction. Illegal contruction has been raised, which has been demolished as per report of the Court Amin. He further submits that in the event respondents are violating the order of temporary injunction, petitioner should avail the remedy under Order 39 Rule 2-A of Code of Civil Procedure.

3. Having heard the arguments advanced and the photographs annexed, we do not find any persons of the police personnel on the spot, which is claimed to be a disputed spot, and therefore allegations *prima facie* do not appear to be correct one and this also stands corroborated by the report filed by Court Amin. In our considered view, the best course open for the petitioner to apply for under Order 39 Rule 2-A of Code of Civil

Procedure. Hence, we decline to grant indulgence in the matter.

4. However, we provide that in the event any application under Order 39 Rule 2-A is moved Code of Civil Procedure, the civil court cause survey of the suit property within a period of four weeks from the date of production of certified copy of this order and thereafter shall proceed to dispose of the matter in accordance with law. It is further provided that it is the duty of police administration to ensure the compliance of order of temporary injunction passed by the trial court, if it is not otherwise being interfered by the higher court in appeal.

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

October 29, 2026
A.K.Srivastava

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