2026:AHC:227510-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 44306 of 2026

Shailesh Devi

.....Petitioner(s)

Versus

State Of U.P. And 11 Others

.....Respondent(s)

Counsel for Petitioner(s) : Nikhil Pratap Singh, Sharad Chand Rai
Counsel for Respondent(s) : C.S.C.

Court No. - 1

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

1. Heard learned counsel for the petitioner and the learned Standing Counsel for the State respondents.

2. By means of this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for a direction to the police to give protection to raise construction upon her own land falling in Plot No. 1339 situate at Mauja Kunsairi @ Vishnupura, Ward No. 13, Tehsil Nautanwa, District Maharajganj.

3. It is contended on behalf of the petitioner that the petitioner has already instituted a suit being Original Suit No. 24 of 2025 in which a temporary injunction order has been passed against the defendant on 15.01.2025 and again on 12.12.2025 which are still in force. Aggrieved against the said orders, the defendant in the suit has filed a Miscellaneous Appeal being Appeal No. 70 of 2025 which has come to be dismissed by the appellate court on 12.10.2026. It is contended that the police is not providing protection to the petitioner despite there being a temporary injunction order passed by a competent court of jurisdiction in favour of the petitioner.

4. In our considered view, if the petitioner is aggrieved by any act of trespass or otherwise interference and non-compliance of the order of temporary injunction, the petitioner should pursue his remedy under Order XXXIX Rule 2A of C.P.C. and if she does so by moving an appropriate application within a period of three weeks from today, the same shall be considered by the trial court by first directing for a spot survey of the land to be done within four weeks and thereafter proceed to dispose of the pending

application under Order XXXIX Rule 2A within a period of six weeks in accordance with law.

5. In the meanwhile, we direct that the police administration and the revenue authorities will not be interfering in the private dispute between the parties and shall be ensuring the compliance of the order granting temporary injunction, if it has not been stayed by the higher court.

6. Subject to the aforesaid, the writ petition is consigned to records.

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

November 2, 2026
Kuldeep

Digitally signed by :-
KULDEEP SINGH
High Court of Judicature at Allahabad