2025:AHC-LKO:86624-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - C No. - 12823 of 2025

Umesh Kumar Agrawal

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Perdeep Kumar Tripathi
Counsel for Respondent(s)	:	C.S.C.

Court No. - 7

HON'BLE MANISH MATHUR, J.
HON'BLE SYED QAMAR HASAN RIZVI, J.

1. Heard learned counsel for petitioner and learned State Counsel for opposite party Nos.1 to 4.

2. In view of order being passed, notice to opposite party Nos.5 & 6 stands dispensed with.

3. Petition has been listed before this Court during vacations indicating urgency upon directions issued by Hon'ble the Chief Justice.

4. Petition has been filed seeking a direction to the opposite parties to stop illegal construction and encroachment over petitioner's house. Further prayer for a direction for removal of illegal construction over the said house and for taking legal action against private opposite party Nos.5 & 6 has also been sought.

5. Learned counsel for petitioner submits that petitioner is owner of a residential house situated in Gata No.949 having an area of 1.1850 hectare situate in Marwadi Mohalla, Nayi Bazar, Pachperwa, Tehsil Tulsipur, District Balrampur. It is submitted that the aforesaid residential accommodation was built by petitioner's father since prior to abolition of zamindari and from the said premises, petitioner is conducting his business of Saria/Cement. It has also been submitted that a Society, namely, Dharm Karya Nitdhi, Balrampur claimed rights over the said property in the month of September, 2024 threatening to execute a sale deed in favour of third party which led to petitioner

filing an injunction suit registered as Regular Suit No. 227 of 2024 in which an application for temporary injunction was also filed. It is submitted that when the injunction was not granted, petitioner filed Writ Petition No. 4118 of 2025 under Article 227 which was disposed of by this Court vide order dated 14.07.2025 directing the Court concerned to decide the application for temporary injunction pending in Regular Suit No. 227 of 2024 expeditiously, within a period of six weeks from the date of production of a certified copy of the order.

6. It is submitted that despite such directions having been issued by this Court, the application is still pending consideration and in the meantime, since a sale deed was executed by the Trust on 22.05.2025 pertaining to the said property, a suit for cancellation of the sale deed registered as Suit No. 223 of 2025 was filed which is pending consideration.

7. Learned counsel has adverted to paragraph - 15 of the writ petition to submit that in the meantime, private opposite party Nos.5 & 6 sought to take illegal possession and to forcefully dispossess the petitioner from the property in question. It is further submitted that illegal construction activity has also been commenced by the private opposite parties over the property in question due to which present writ petition has been filed indicating urgency.

8. Learned counsel has also submitted that the police authorities of the local Police Station are also in collusion with the private opposite parties and are actively encouraging and supporting the private opposite parties.

9. Mr. Nishant Shukla, learned State Counsel, on the basis of instructions, has refuted the submissions advanced by the learned for the petitioner with the submission that there is no interference by the police authorities in favour of either of the parties and the police in fact was forced to intervene only on account of an altercation which took place between the parties. Petitioner in fact was a tenant of the aforesaid premises till the year 2010 and thereafter his wife has given an application to the Trust itself for execution of a sale deed in her favour. It is submitted that the property belonged to the aforesaid Trust which has subsequently executed registered sale deed in

favour of Smt. Krishnavati/opposite party No.6 on 21.04.2025 and not to the petitioner. Learned counsel also submits that there is material concealment of fact in the writ petition which deserves to be dismissed on that account alone.

10. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record, it is thus admitted that dispute with regard to property in question is pending before Trial Court since the year 2024 alongwith an application for grant of interim injunction, the disposal for which directions have already been issued by this Court on 14.07.2025. It also appears that there is disputed question of fact pertaining to right and title of petitioner over the property in question. It also appears from perusal of paragraph - 17 of the writ petition that the incident in question has taken place on 25.10.2025.

11. In view of aforesaid facts, particularly the aspect that atleast two regular suits instituted by petitioner are pending before Trial Court alongwith applications for grant of temporary injunction and directions also having been issued by this Court for expeditious disposal of the applications for interim injunction, this Court deems it appropriate for petitioner to approach the learned Trial Court for redressal of his grievance.

12. Resultantly, it is directed that in case petitioner submits an application for urgent hearing of the application for interim injunction in Regular Suit No. 227 of 2024, same shall be considered by the District Judge concerned for hearing during vacations itself and pending application for interim injunction shall be decided expeditiously also in terms of the directions issued by this Court vide order dated 14.07.2025. It is also directed that in case the defendants in the aforesaid case have not yet put in appearance, the application for interim injunction may be considered, as an interim measure, in case petitioner is able to make out a case for same.

13. With the aforesaid direction(s), petition stands ***disposed of***.

December 30, 2025
lakshman

(Syed Qamar Hasan Rizvi,J.) (Manish Mathur,J.)

Digitally signed by :-
LAKSHMANA KUMAR TAMMANA
High Court of Judicature at Allahabad,
Lucknow Bench