



2026:AHC:18478

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 36870 of 2024

Mohd Amir And 2 Others

.....Petitioner(s)

Versus

State Of Up And 13 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mohd. Aslam Khan, Mohd. Mateen Khan
Counsel for Respondent(s)	:	Smt. Ushma Mishra, Anurag Kumar, Arti Singh, Arun Kumar Pandey, C.S.C., Devansh Misra, Nitin Kumar Agrawal, Vibhu Rai

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. Supplementary affidavit has been filed on behalf of counsel for the petitioners, the same is taken on record.

2. Heard Shri Rakesh Pande, learned Senior Counsel assisted by Shri M.M Khan, learned counsel for the petitioners and Shri J. Nagar, learned Senior Counsel assisted by Shri Anurag Kumar, Ms. Arti Singh and Ms. Ushma Mishra, learned counsel for the Respondent Nos.7 & 8 and Shri Devansh Mishra, learned counsel appearing on behalf of Respondent No.9.

3. The present writ petition has been filed inter-alia with the following prayers:-

"(A). Issue a writ order or direction in the nature of mandamus commanding and directing the respondents No.2 to 4 not to dispossess or eject to the petitioners from Khasra No.212 area 0.556 hectare situated in village Rayapur Sadat, Qasba, Pargana and Tehsil Nagina, District Bijnor.

(B). Issue a writ order or direction in the nature of mandamus commanding and directing the respondents to decide the representation of the petitioners dated 04.09.2024 in accordance with law."

4. After hearing counsel for the parties, order of status quo was passed by this Court on 09.12.2024, which reads as follows:-

"1. Supplementary affidavit filed today is taken on record.

2. Learned counsel for the petitioners is permitted to implead C.O. Nagina, as a party respondent, in the array of parties during course of the day.

3. *This writ petition has been filed seeking following relief :-*

"i) Issue a writ order or direction in the nature of mandamus commanding and directing the respondents No.2 to 4 not to dispossess or eject to the petitioners from Khasra No.212 area 0.556 hectare situated in Village Rayapur Sadat, Qasba, Pargana and Tehsil Nagina, District Bijnor.

ii). Issue a writ order or direction in the nature of mandamus commanding and directing the respondents to decide the representation of the petitioners dated 04.09.2024 in accordance with law."

4. Contention of learned counsel for the petitioners is that despite several litigations are pending in various Courts, Station House Officer, Police Station Nagina, District Bijnor and Circle Officer, Nagina, District Bijnor in collusion with private respondents No.5 to 15 have demolished the constructions of petitioners on 1.12.2024. Learned counsel for the petitioners have also filed photographs along with supplementary affidavit wherein police personnel are present in the said photographs.

5. In view of the above, let personal affidavits of Station House Officer, Police Station Nagina, District Bijnor and Circle Officer, Nagina, District Bijnor, be filed regarding the allegations made against them in the writ petition and in the supplementary affidavit and shall also explain the presence of police personnel on the spot at the time of demolition shown in the photographs and also explain whether any proceedings have been drawn by the police and further how the police has intervened with the private rights of petitioner.

6. List this matter on 20.12.2024, as fresh.

7. In the meantime, learned Standing Counsel also obtain instructions from respondents No.2 to 4 in this matter.

8. Till then, parties are directed to maintain status quo. "

5. Aggrieved against the aforesaid, the private-respondents approached the Hon'ble Apex Court by filing Special Leave Petition (Civil) Diary No(s).55304 of 2025 in which the following order was passed on 16.01.2026:-

"1. Delay Condoned.

2. Heard learned advocates appearing for the parties.

3. Against an interim order of status quo, the present Special Leave Petition has been filed. Learned counsel for the petitioner would also

submit that an application for vacating the interim order has already been filed and it is pending since last January, 2025 till date. At this stage it would be apt and appropriate to note Sub- Article (3) of Article 226 of the Constitution of India which mandates that upon such an application being filed, the High Court would be required to dispose of the same within a period of two weeks.

4. In the teeth of the said provision and also in the light of the submissions made by the learned advocates appearing for the parties that matter has been listed on 19.01.2026, we request the High Court to take up the said application and dispose of the same on its own merits.

5. We make it clear that we have not expressed any opinion on the merits of the rival submissions.

6. Accordingly, the Special Leave Petition is disposed of.

7. Pending application(s), if any, shall also stand disposed of and file be consigned to the record."

6. In paragraph-10 of the counter affidavit filed on behalf of Respondent No.9 it is stated that petitioners have moved an application under Order XXXIX Rule-1 and 2 CPC numbered as Paper No.6C in Original Suit No.1001 of 2024 (titled as "Mohd. Amir and others vs. Giriraj and others) for protection from dispossession. The aforesaid application was rejected vide order dated 08.11.2024 passed by the Civil Judge (Junior Division), Nagina, Bijnor.

7. Aggrieved against the aforesaid, petitioners have preferred a Misc. Appeal which was numbered as Misc. Civil Appeal No.81 of 2024. The aforesaid appeal was allowed and the order dated 08.11.2024 was set aside and parties were directed to maintain status quo. Operative portion of the order dated 26.11.2025 reads as follows:-

"21- वादीगण / अपीलार्थीगण द्वारा प्रस्तुत प्रकीर्ण सिविल अपील सं० 81/2024 इस हद तक स्वीकार की जाती है कि विद्वान विचारण न्यायालय द्वारा पारित प्रश्नगत आदेश दिनांक 08.11.2024 अपास्त किया जाता है तथा पक्षकारों को आदेशित किया जाता है कि वे दौरान वाद विवादित खसरा नं० 212 पर यथास्थिति बनाये रखे।

22- विद्वान विचारण न्यायालय का अभिलेख इस निर्णय की प्रति एवं प्रकीर्ण सिविल अपील की पत्रावली सहित नियमानुसार प्रति प्रेषित की जाये। "

8. Heard counsel for the parties and perused the record.

9. After hearing counsel for the parties, the Court is of opinion that since order of Status quo has already been granted in Misc. Civil Appeal No.81 of 2024 vide order dated 26.11.2025 by the Additional District Judge, Court No.3, Bijnor in favour of the petitioners, no useful purpose will be served in keeping the writ petition pending

which is also filed for the same purpose.

10. In this view of the matter, the Court is of the prima facie opinion that the Court below before whom the proceedings of Original Suit No.1001 of 2024 is pending will decide the same, expeditiously and order of status quo dated 26.11.2025 passed in Misc. Civil Appeal No.81 of 2024 will continue to operate till the disposal of the aforesaid suit.

11. Counsel for the parties present in the Court have no objection.

12. At this point of time, it is argued by Shri Rakesh Pande, learned Senior Counsel appearing on behalf of petitioners that since the present writ petition has been filed against the State as well as the police authorities, hence at-least liberty should be given to the petitioners to move a proper application in their aforesaid original suit.

13. This prayer has not been opposed by the counsel for the respondents.

14. In this view of the matter and with the consent of the counsel for the parties, the present writ petition is disposed of finally permitting the plaintiff-petitioners to move an application for impleadment of the State-respondent in the aforesaid Original Suit, if so advised within a period of **two weeks** from today. If it is so, the court below before whom the proceedings of the aforesaid Original Suit is pending is directed to pass an order in the aforesaid application within next **three weeks** in accordance with law. The Court below is further directed to decide the entire suit, most expeditiously and positively within a period of **six months**, if possible fixing short dates. Parties are directed not to take any unnecessary adjournment.

15. For a period of six months or till the date the original suit is decided, whichever is earlier, status quo granted on 26.11.2025 will continue to operate.

(Prakash Padia,J.)

January 28, 2026
Swati