

Hon'ble Alok Singh, J.

Mr. Tapan Singh, Advocate for the petitioner.

Mr. Tapan Singh, learned counsel for the petitioner, submits that proceedings drawn against the petitioner under the U.P. Public Premises (Eviction of Unauthorized Occupants) Act, 1972 were decided in favour of the petitioner; thereafter, respondents/defendants started extending threat to dispossess the petitioner by using force; consequently, petitioner had to file OS No. 18 of 2015, Mohabbat Ali v. Nagar Panchayat, Landhaura and others, in the Court of Civil Judge (Junior Division), Roorkee, wherein an application seeking ad interim injunction was also moved, however, learned Trial Court was pleased to issue notice on the application seeking ad interim injunction application fixing 2.2.2015. Mr. Tapan Singh, learned counsel for the petitioner, further contends that meanwhile petitioner may be evicted by the defendants/respondents by using force, therefore, his possession should be protected.

Since, proceedings drawn against the petitioner under the U.P. Public Premises (Eviction of Unauthorized Occupants) Act, 1972 have already been decided in favour of the petitioner, therefore, apprehension of the petitioner seems

to be misconceived. Since, Civil Suit and ad interim injunction application are pending disposal before the Civil Judge (Junior Division), Roorkee, I am not inclined to entertain this petition.

However, it goes without saying that learned Civil Judge shall decide the ad interim injunction application on the next date fixed or within thirty days thereafter at its own merit in accordance with law.

With the above observations, writ petition is dismissed.

IA No. 534 of 2015 and CLMA No. 1374 of 2015 also stand disposed of accordingly.

(Alok Singh, J.)
Vacation Judge
30.1.2015

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