

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION/  
INHERENT JURISDICTION

CIVIL APPEAL NO.7031 OF 2025  
(@ SLP(C) No. 16360/2022)

BEENA SRIVASTAVA & ORS.

PETITIONER(S)

VERSUS

STATE OF U.P. & ORS.

RESPONDENT(S)

WITH

CONTEMPT PETITION (C) NO.137/2024

IN

SPECIAL LEAVE PETITION(C) NO.16360/2022

O R D E R

C.A No. 7031 of 2025 @ SLP(C) No.16360/2022:

1. Leave granted.
2. We have heard the learned senior counsel appearing for the appellants and the learned counsel appearing for the respondents at length.
3. Suffice it is to state that the chequered history governing this case involves not only the Court but also the public authorities including the Revenue Authorities.
4. There exists a dispute between the appellants and the

private respondents as both claim title over an immovable property. It all started with an innocuous letter sent by respondent No.7 to the Chief Secretary, Uttar Pradesh Government, seeking possession of the disputed land in question and notwithstanding the distinct lack of jurisdiction, the Chief Secretary issued a strange direction dated 12.11.2014 to the Sub-Divisional Magistrate (for short, the 'SDM') to conduct an inquiry and take necessary steps for handing over the possession of the land to the party concerned, which forced the appellants to approach the High Court by way of a writ petition.

5. Even though the Chief Secretary recalled his earlier direction to the SDM due to the interference of the High Court, adequate damage had already been done as the SDM issued three orders on 27.01.2016, 06.02.2016 and 17.02.2016 to provide police force to respondent no.7 to secure his possession in respect of a portion of the disputed land. The same was challenged by the appellants by way of a writ petition before the High Court. The High Court rightly quashed and set aside the orders of the SDM and was pleased to observe that status quo ante will have to be restored as, anything done in pursuance of the direction of the Chief Secretary or the SDM, which on the face of it lacks jurisdiction, will not enure to the benefit of the private respondents.

6. To get over the aforesaid order of the High Court, the private respondents filed a suit for prohibitory injunction against the appellants and obtained interim injunction from the Civil Court. After four years, the said suit was withdrawn by the private respondents. Thereafter, the appellants moved from pillar to post seeking reliefs, as attempts were made both, through the Revenue Authorities and through the Civil Court. Suits were filed by the appellants apart from the contempt petition which was also filed. The appellants met with failure at every stage, except before the Board of Revenue.
7. Finally, the appellants submitted a representation before the District Magistrate to restore status quo ante. However, due to the inaction of the authority, the appellants filed a writ petition before the High Court seeking a direction to the District Administration to consider the said representation. Aggrieved by the dismissal of this writ petition, the appellants are before us.
8. We can only say that *inter se* title between the parties will have to be decided by the competent Jurisdictional Civil Court. We are conscious about the earlier proceedings and the pending proceedings. To put at rest all the issues, we permit the parties to seek relief by way of a suit. The other issue is with respect to the

possession. Admittedly, we could see that the private respondents have taken possession of the disputed land only in pursuance of the directions issued by the Chief Secretary and the SDM which have been found to be without jurisdiction. Such possession, obtained on the basis of that action alone, cannot be sustained in the eye of law. We are also conscious of the fact that much water has flown under the bridge thereafter as constructions have been put up on the disputed land and rents are being received.

9. Taking note of the aforesaid subsequent development, we direct the SDM to take possession of the property in respect of which the appellants are claiming rights to the extent of 0.918 hectares in Gata No.971M. The SDM shall receive the rent until the suit to be filed by the respective parties is taken on file. After the suit is filed, the SDM can deposit the rent collected before the concerned Court. Meaning thereby, till such time, it can be kept in a separate account by him. Needless to add that the amount shall be kept in an interest-bearing account.

10. The parties are at liberty to file interlocutory applications seeking injunction during the pendency of the suits. The Trial Court shall pass expeditious order(s) in the said interlocutory applications, after hearing the parties, by taking into consideration the parameters of Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908. We only make it clear that notwithstanding the question of possession, the Trial

Court shall consider the question of *prima facie* title and the effect of the revenue proceedings. The Trial Court shall not be influenced by the earlier decision of the Civil Court.

11. The appeal is disposed of, accordingly. We make it clear that we have not gone into the merits of the case.

12. Pending application(s), if any, shall also stand disposed of.

**Contempt Petition (C) No.137/2024 in SLP(C) No.16360/2022**

In view of the aforesaid order, the Contempt Petition stands closed.

Pending application(s), if any, shall stand disposed of

.....J.  
[M.M. SUNDRESH]

.....J.  
[RAJESH BINDAL]

NEW DELHI;  
6<sup>th</sup> MAY, 2025

ITEM NO.28

COURT NO.8

SECTION XI

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s). 16360/2022

[Arising out of impugned final judgment and order dated 08-02-2021 in WC No. 3217/2021 passed by the High Court of Judicature at Allahabad]

BEENA SRIVASTAVA &amp; ORS.

Petitioner(s)

VERSUS

STATE OF U.P. &amp; ORS.

Respondent(s)

IA No. 4304/2023 - CLARIFICATION/DIRECTION

IA No. 115749/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 110513/2025 - EXEMPTION FROM FILING O.T.

IA No. 4305/2023 - EXEMPTION FROM FILING O.T.

IA No. 115750/2022 - EXEMPTION FROM FILING O.T.

WITH

CONMT.PET.(C) No. 137/2024 in SLP(C) No. 16360/2022 (XI)

IA No. 30202/2024 - EXEMPTION FROM FILING O.T.

Date : 06-05-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH  
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. P. N. Mishra, Sr. Adv.  
Mr. Narendra Kumar, Adv.  
Mr. Jitendra Mohapatra, Adv.  
Mr. A. K. Yadav, Adv.  
Mr. Arun Kumar Yadav, Adv.  
Mr. Kartik Arora, Adv.  
Mr. Abhishek Chakraborty, Adv.  
Mrs. Ranjana Pathak, Adv.  
Mr. Kedar Nath Tripathy, AOR

For Respondent(s) Ms. Tulika Mukherjee, AOR  
Mr. Beenu Sharma, Adv.  
Mr. Venkat Narayan, Adv.

Mr. Chandra Prakash, AOR

UPON hearing the counsel the Court made the following  
O R D E R

**SLP(C) No.16360/2022:**

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

**Contempt Petition (C) No.137/2024 in SLP(C) No.16360/2022**

The Contempt Petition is closed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)

ASTT. REGISTRAR-cum-PS

(POONAM VAID)

ASSISTANT REGISTRAR

(Signed order is placed on the file)