**APPLICATION UNDER SECTION 151 CPC FOR VARIATION OF ORDER**

IN THE HIGH COURT OF....................

C. M. No............................................................. of 200

in

C. M. No..................... of 200

**IN THE MATTER OF**

XYZ............................................................. Petitioner.

*versus*

CDF............................................................. Petitioner.

**APPLICATION UNDER SECTION 151 C. P. C. ON BEHALF OF THE PETITIONER FOR VARIATION OF THE INTERIM ORDER DATED........................ REGARDING STATUS QUO IN SO FAR AS** **THE PETITIONER IS CONCERNED.**

**Most Respectfully Showeth:**

I. That the members of the petitioner were displaced persons who came to India on partition. They had no place to live. The Society in............ requested the Government to allot land to its members in order to have a residential house.

2. That the Government had already started acquiring land for resettlement of displaced persons. The acquisition was made under "Resettlement of Displaced Persons (Land Acquisition) ordinance, 1948(XX) of 1948". Notification in that regard was issued on................... On acquisition, the land being more than .................. acres, in village................................................ was acquired. On acquisition the land vested in Government free from all ancumberances.

3. That the instant case involves........................ and..................... of land in Khasra No......................... which Khasra comprises of total of ........................ and............................

4. That originally..................... acres of land including the disputed land was allotted to the petitioner in...................... However, the land was cancelled and the petitioner filed a writ petition in this Hon’ble Court. By judgment dated ........................ Hon ‘ble Mr. Justice.............................. allowed the writ petition. The matter was taken up to the Supreme Court and by a consent order a reduced area was given to the Society........................ A sum of Rs...................... crores was paid by the Society.

5. That a perpetual lease was executed in favour of the petitioner by the President of India. Therefore, the Petitioner Society faced innumerable cases in regard to the right of allotment of various members, non-members, disputes relating to seniority, etc. In fact the Society faced cases of encroachment even by civic authorities and DTC. Furthermore there are still some cases pending.

6. That ultimately this Hon’ble Court settled most of the cases amongst the members. It was only in.................. that a draw of lots could be held.

7. That from the year..................... onwards the Petitioner after getting the approvals from the Registrar, Co-operative Societies and other, ultimately in respect of individual members started handing over possession upon execution of perpetual sub-lease by the Government.

8. That out of a total of............... members, more than............... leases have actually been executed, possession delivered and in fact members have built houses and some are in the process of building. The basic development has since been completed in the form of sewage lines, water lines, electric lines, telephone lines, etc. A lot of activities are going on at the site.

9. That the dispute in the instant cases had been created by Respondent No. ..................... which have issued a notification declaring.................. and ............... in Khasra No...................... as a Grave Yard. The declaration is totally illegal and after the vesting of the land free from all ancumberances in the Government 40 years ago, there is no question of any such declaration by the Wakf Board.

10. That in fact it is not known as to where this land exactly falls in the entire area. However, the Respondent No...................... had pointed out a particular area in the presence of the police and the said area includes the area of five specific plots where no construction is being permitted by the Society because of the orders of *status quo.* The affected members are pressing the Society hard because of no fault of theirs. They are held up from raising construction while the costs are increasing day by day.

11. That in view of the narration of the facts above, it is most inequitable for the petitioner to be bound by the order of *status quo.* In fact the petitioner submits that the notification of the Wakf Board be stayed till the disposal of the writ petition and the interim order be accordingly modified.

12. That the petitioner submits that the instant application is being moved bonafide and in the interest of justice.

It is therefore most respectfully prayed that this Hon’ble Court may be pleased to vary the interim order of *status quo* dated..................... and the petitioner be released from the orders of *status quo.*

Petitioner

Through Advocate

Place:

Date: