

Court No. - 10

Case :- WRIT - C No. - 23345 of 2023

Petitioner :- Brijnandan Pathak

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Babu Lal Ram

Counsel for Respondent :- C.S.C., Jagdish Pathak, Rajesh Tewari, Rajiv Sharma

Hon'ble Kshitij Shailendra, J.

1. Case called out.

2. Heard Shri Arjun Singh Yadav, learned counsel holding brief of Shri Babu Lal Ram, learned counsel for the petitioner, learned Standing Counsel for the State-respondents, Shri Rajiv Sharma for respondent no.4, Shri Rajesh Tiwari for respondent nos.5 and 6 and Shri Jagdish Pathak for respondent no.7.

3. A request for adjournment has been made on behalf of the petitioner.

4. On the last occasion, this Court passed following order on 19.10.2023:-

"1. Heard learned counsel for the petitioner, learned Standing Counsel for the State and Shri Jagdish Pathak for respondent no.7.

2. Learned counsel for the petitioner submits that since the petitioner was expelled from Gandhi Ashram concerned on 04.12.2021, therefore, impugned order dated 08.06.2023 was passed directing him to vacate the premises, however during pendency of the writ petition, the petitioner has again been allowed to continue in the Ashram by order dated 17.10.2023.

3. Learned counsel for the petitioner seeks time to bring the same on record.

4. Let supplementary affidavit be filed in this regard.

5. Put up this case on 21.11.2023 as fresh. "

5. A perusal of the aforesaid order shows that the cause of action with respect to dispossession of the petitioner stands vanished in view of subsequent permission granted to the petitioner to retain possession of the premises of Gandhi Ashram. The statement to

that effect was made on behalf of the petitioner himself by referring to a subsequent order dated 17.10.2023.

6. The matter cannot be adjourned further in view of the subsequent developments.

7. The writ petition renders infructuous and is **dismissed** as such with liberty to the petitioner to avail appropriate remedy in case fresh cause of action arises.

Order Date :- 5.12.2023

Jyotsana