

Court No. - 10

Case :- WRIT - C No. - 26818 of 2023

Petitioner :- Dav Cricket Academy, Through Its Secretary, Parvez Alam

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ravi Prakash Mishra, Shubhashish Shukla, Vishal Agarwal

Counsel for Respondent :- C.S.C., Deepak Kumar, Prabhakar Awasthi

Hon'ble Kshitij Shailendra, J.

1. Heard Shri Vishal Agarwal, learned counsel for the petitioner, learned Standing Counsel for the State-respondent Nos. 1 and 2 and Shri Prabhakar Awasthi, learned counsel for respondent Nos. 3 and 4 and perused the record.

2. The petitioner claims to be an Association imparting training to the cricket loving children and has filed the present writ petition claiming a writ of Mandamus commanding the respondents not to interfere in the training activity and also to comply with the terms of some agreement entered into between the petitioner and respondent No. 3.

3. Learned counsel for the petitioner, by referring to various letters as well as agreement itself, submits that respondent No. 3 is not complying with the terms of agreement and has entrusted training activity to some other body.

4. Be that as it may, the writ petition appears to be in the nature of a civil suit. This Court under Article 226 of Constitution of India cannot directly or indirectly enforce terms of any agreement or understanding between the parties to a lis.

5. The writ petition is **not maintainable** and is **dismissed with liberty** to the petitioner to file a civil suit claiming appropriate relief of declaration/injunction etc. All questions of fact and law shall remain open in civil suit, if filed.

Order Date :- 29.11.2023

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