

Court No. - 52

Case :- WRIT - C No. - 33659 of 2023

Petitioner :- Prem Singh And 4 Others

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Jay Singh Yadav

Counsel for Respondent :- C.S.C.,Sunil Kumar Singh

Hon'ble Saurabh Srivastava,J.

1. Heard learned counsel for the parties and perused the record.
2. This writ petition has been filed by the petitioners seeking a writ of mandamus restraining the respondents from constructing the road upon petitioners' land.
3. As per own case of the petitioners, as pleaded in para-11 of the writ petition, they have already filed Civil Suit No. 19 of 2022 for redressal of their grievance. The said suit is stated to have been dismissed in default vide order dated 25.05.2022. It is stated the petitioners came to the knowledge of dismissal of the civil suit only on 29.08.2023 and thereafter could not file restoration application due to Advocate's strike.
4. Pursuant to the earlier orders, learned Standing Counsel has received instructions, which is taken on record.
5. On the basis of instructions received, learned Standing Counsel submits that starting from 30.08.2023, Advocate's strike ended on 30.09.2023. Although this petition was presented on 25.09.2023, but nothing has been brought on record till today by way of filing supplementary affidavit as to what steps were taken by the petitioners thereafter for restoration of their suit. I, therefore, find no reasons to entertain this petition without relegating the petitioners to avail the remedy available in law.
6. In view of above, the present petition is disposed of.

Order Date :- 17.11.2023

P.Sri.