

Court No. - 46

Case :- WRIT - C No. - 34028 of 2023

Petitioner :- Shafi Ahmad

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

Counsel for Petitioner :- Shahnawaz Akhtar

Counsel for Respondent :- C.S.C.,Jai Bahadur Singh

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

In nutshell petitioner's grievance is that the authorities are wrongly removing his constructions on the premise that it is made on a public drain.

A preliminary objection is raised on behalf of respondents on the ground that in respect of the same controversy the plaintiff has filed Original Suit No.778 of 2023 in which notices have been issued. Injunction has also been sought in respect of the same property. This fact has, however, not been disclosed in the writ petition.

As a rule of prudence parallel remedies cannot be allowed to be pressed by the litigant, moreso, when such fact is suppressed. We are, therefore, not inclined to entertain the present writ petition, which is, consequently, dismissed.

All questions of fact are left open for appropriate examination/determination by the competent forum.

Order Date :- 17.11.2023

Anil