

Court No. - 40

Case :- WRIT - C No. - 36049 of 2023

Petitioner :- Jangi @ Jang Bahadur Patel

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Amar Singh Yadav, Dilnawaz Ahmad Khan

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Ms. Nand Prabha Shukla, J.

1. Heard learned counsel for the petitioner and Shri Ambrish Shukla, learned Addl. Chief Standing Counsel.
2. In pith and substance, the petitioner has approached this Court for a direction to the respondents to ensure compliance of the interim order dated 3.9.2012 passed by Addl. Civil Judge (JD) First, Jaunpur in Case No.5 of 2004 (Kharpattu & Ors. v. Baijnath & Ors.).
3. At the very outset, learned Addl. Chief Standing Counsel has raised an objection regarding the maintainability of the writ petition on the ground that for the relief claimed in the writ petition the petitioner has adequate alternative remedy under Order 39 Rule 2A CPC and once alternative remedy is available, there is no reason or occasion to bypass the same and as such the writ petition is liable to be dismissed.
4. We have proceeded to examine the record in question and find substance in the objection raised by learned Addl. Chief Standing Counsel and as such we are not inclined to interfere in the matter. Needless to say, the petitioner will be at liberty to avail the remedy as available in law.
5. The writ petition stands **disposed of** accordingly.

Order Date :- 28.10.2023

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