

Court No. - 40

Case :- WRIT - C No. - 35270 of 2023

Petitioner :- Ram Dular

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Anurag Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri Anurag Kumar, learned counsel for the petitioner, Sri S.C. Upadhyay, learned Standing Counsel for State-respondents and Sri Ravindra Kumar Yadav, learned counsel for the intervener.

2. The grievance of the petitioner is that dumps of the filth lying in the residential area may be directed to be removed by the respondent authorities.

3. In this backdrop, this Court has asked the learned Standing Counsel to seek instructions vide order dated 30.10.2023.

4. Sri Ravindra Kumar Yadav, Advocate, who has entered on behalf of intervener in the midst of the proceedings, states that there is civil dispute between the parties and even the petitioner has filed suit for injunction, which is pending consideration before the Court below. The said factual aspect has been concealed by the petitioner and aforementioned relief is directly against the contesting respondent whereas he is agitating the grievance before the competent Civil Court, therefore, the present writ petition is liable to be dismissed with exemplary cost on the ground of concealment of material facts.

5. When confronted with this situation, learned counsel for the petitioner submits that he is not inclined to press the present writ petition and the same may be dismissed as not pressed.

6. The writ petition is dismissed as not pressed.

Order Date :- 29.11.2023

Manish Himwan