

Court No. - 40

Case :- WRIT - C No. - 38095 of 2023

Petitioner :- Vidya Prakash

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

Counsel for Petitioner :- Kunwar Jitendra Bahadur Singh,Rajiv Kumar Mishra,Sanjay Kumar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner and Sri F.A.Ansari, learned Standing Counsel for the State respondents.
2. In pith and substance, the petitioner is before this Court with the request to commanding the respondent nos.1 and 4 to decide the representation dated 12.10.2023 restraining the respondent no. 5 to raise construction in compliance of the stay order dated 29.10.2017 in Case No. 1034 of 2022, which is effective till 20.11.2023.
3. The dispute inter-se petitioner and respondent no. 5 is a purely private dispute. In the present case, admittedly an interim order has been passed on 29.10.2017 and, in case the same is being violated, the remedy of petitioner's grievance lies in moving an application under Order XXXIX Rule 2A CPC before the court concerned. We also make it clear that in case an incumbent is trying to take law into his own hand, then the common law remedy is invoked by the petitioner as is provided for under Code of Criminal Procedure, but as far as this Court is concerned, this Court cannot accord any relief to petitioner, as has been prayed by him.
4. With these observations, the writ petition is ***disposed of***.

Order Date :- 3.11.2023

A.K.Srivastava