

Court No. - 40

Case :- WRIT - C No. - 38016 of 2023

Petitioner :- Vimlesh Kumar

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

Counsel for Petitioner :- Romeshwari Prasad

Counsel for Respondent :- CSC

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. Petitioner is before this Court with a prayer to issue writ, order or direction in the nature of mandamus commanding the respondent nos. 1 to 3 to restrain the respondent no. 5 from entering/alienating/transferring/occupying/grabbing the property in question illegally and fraudulently.
3. Learned counsel for the petitioner has very strenuously advanced his submissions seeking indulgence of this Court to interfere with the matter. However, he failed to bag the discretion of this Court in petitioner's favour as the premise on which the entire issue stands for does not inspire confidence of this Court to look into the depth of such civil dispute which bears complexity in facts and that can only be redressed by filing a civil suit before the appropriate court.
4. Looking into the aforesaid situation, we are not inclined to issue any direction in the matter leaving it open for the petitioner to take recourse of the remedy of filing a suit for determination of rights or damages before the appropriate court, if so advised.
5. The writ petition is accordingly ***disposed of.***

Order Date :- 3.11.2023

A.K.Srivastava