

Court No. - 46

Case :- SPECIAL APPEAL No. - 733 of 2023

Appellant :- Alok Nagar And Another

Respondent :- State Of U.P. And 5 Others

Counsel for Appellant :- Namit Srivastava, Sarthak Verma

Counsel for Respondent :- C.S.C., Vinod Kumar Singh

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

The instant appeal is directed against an order dated 16.08.2023, passed by learned Single Judge in Writ-C No.26799 of 2023, whereby the writ petition has been entertained and interim protection has been granted to the petitioners/respondents.

Various arguments have been advanced on behalf of the appellants in order to challenge the order of learned Single Judge. However, we find that while entertaining the writ petition learned Single Judge has called upon the appellants to file counter affidavit and petitioners/respondents have also been granted a week's time to file rejoinder affidavit thereafter. In terms of such direction the appellants have also filed their counter affidavit in the writ petition.

In such view of the matter, we deem it appropriate to request the learned Single Judge to accord consideration to the writ petition on merits as per His Lordship's earliest convenience.

In the facts of the case, we do not find any good ground to interfere with the order of learned Single Judge, particularly when issues raised are yet to be resolved in the writ petition, on merits.

Subject to the above observations, this appeal is consigned to records.

Order Date :- 22.11.2023

Ashok Kr.