

Court No. - 47

Case :- WRIT - C No. - 38893 of 2023

Petitioner :- Lallan Prasad

Respondent :- State Of U.P. And 11 Others

Counsel for Petitioner :- Sachida Nand Tripathi, Mohit Verma

Counsel for Respondent :- C.S.C., Shibli Naseem

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the parties and perused the record.

2. The present petition has been filed for the following relief:

"i) Issue a writ order or direction in the nature of certiorari quashing the order date 11.10.2023 passed by Respondent no. 2 and further direct for adjudicating the suit in Computer Case No. T202214180413640.

ii) Issue a writ order or direction in the nature of Mandamus commanding and directing the respondents and petitioner may not be disposed from the land in dispute."

3. Learned Standing Counsel has raised preliminary objection that against the order dated 11.10.2023 by which the plaint of the petitioner has been rejected in exercise of power under Order 7 Rule 11 CPC, which is a decree and therefore, petitioner has an alternative remedy of filing first appeal against the said order.

4. In view of the availability of alternative statutory remedy of first appeal, I am not inclined to interfere in the matter.

5. Accordingly, the petition is **dismissed** with liberty to the petitioner to avail the alternative remedy as available to him under law.

Order Date :- 8.11.2023

Nitika Sri.

(Manish Kumar Nigam, J.)