

Court No. - 21

Case :- WRIT - C No. - 39974 of 2023

Petitioner :- Faheem Khan

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Bhaskar Bhadra

Counsel for Respondent :- C.S.C.,Sandeep Kumar Srivastava

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Donadi Ramesh,J.

1. The instant petition has been filed praying for a writ of mandamus commanding respondent No. 2 not to recover Rs.3,15,000/- from the petitioner in pursuance of notice dated 01.10.2019 issued against respondent No. 3 and also not to harass him.

2. Case of the petitioner is that he had given his building on rent to respondent No. 3 for a period of 11 months. He was running a nursing home from the tenanted premises. Respondent No. 2 has passed certain order against respondent No. 3 and whereunder respondent No. 3 is liable to pay Rs.3,15,000/-. As respondent No. 3 has left the tenanted premises, respondent No. 2 is harassing the petitioner and is compelling him to make the payment.

3. Shri Sandeep Kumar Srivastava, Advocate appearing on behalf of respondent No. 2 is in receipt of instructions and the same has been placed on record. It is admitted therein that the order for payment of environmental compensation charges was passed against respondent No. 3. He submits that there is no order for recovery against the petitioner, therefore, petitioner will have no locus to file the writ petition.

4. As it is admitted that the order for recovery is against respondent No. 3 and not against the petitioner who had only let out the premises, therefore, in case any harassment is being done to the petitioner, we are of considered opinion that the petitioner will definitely have locus to maintain the instant petition.

5. As it is already admitted that there is no recovery against the petitioner, therefore, we **dispose of** the instant petition by providing that the respondents will not adopt any coercive measure against the petitioner for recovery of the amount allegedly due

against respondent No. 3.

Order Date :- 22.11.2023

Mukesh Kr.

(Donadi Ramesh,J.)

(Manoj Kumar Gupta,A.C.J.)