

Court No. - 40

Case :- WRIT - C No. - 40245 of 2023

Petitioner :- Ravindra Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ajay Singh Sengar, Vijay Singh Sengar

Counsel for Respondent :- C.S.C

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Shri Ajay Singh Sengar, learned counsel for the petitioner and learned Additional Chief Standing Counsel for the State-respondents.
2. The present writ petition has been preferred seeking a writ of mandamus directing the respondent no. 2 to take an appropriate action to ensure the status-quo over the land in question in pursuance of order dated 20.12.2021 passed by Civil Judge (Junior Division), Auraiya in Original Suit No. 496/2021 (Ravindra Singh & others v. Indrapal & others) and further direct the respondent no. 2 to take an appropriate action/decision in pursuance of petitioner's representation dated 25.10.2023.
3. It is being complained before us that the injunction accorded by the competent civil court in favour of the petitioner in O.S. No.496/2021 (Ravindra Singh & others v. Indrapal & others) is being flouted by the respondents.
4. Learned Additional Chief Standing Counsel has raised an objection regarding the maintainability of the writ petition on the ground that the dispute between the parties are private dispute and the petitioner has already invoked the civil jurisdiction by preferring Original Suit no.496/2021 for an injunction, wherein, the injunction is also accorded vide order dated 20.12.2021, therefore, two parallel proceedings may not be permitted.
5. Be that as it may if the petitioner is aggrieved for non-compliance of the said injunction order, the efficacious remedy to press an application is available under Order 39 Rule 2-A of CPC.
6. Considering the facts and circumstances, we are not inclined to entertain the writ petition under Article 226 of the Constitution of India. Needless to say, if the injunction is being flouted, it is always open to the petitioner to press an application under Order 39 Rule 2-A CPC before the competent civil court.
7. The writ petition stands **disposed of** accordingly.

Order Date :- 23.11.2023/ Rama Kant