

**Court No. - 5**

**Case :-** WRIT - C No. - 40480 of 2023

**Petitioner :-** Kunwarpal Singh

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

**Counsel for Petitioner :-** Shiv Shankar Pd Gupta, Girijesh Kumar Gupta

**Counsel for Respondent :-** C.S.C.

**Hon'ble Piyush Agrawal, J.**

At the very outset, learned Standing Counsel raises a preliminary objection with regard to maintainability of the writ petition on the ground that against the impugned order, the petitioner has equally efficacious alternative remedy.

Learned counsel for the petitioner does not dispute the said fact however prays that in case he approaches the appropriate Court, the appeal may be heard on merit without raising objection on limitation.

In view of the above as well as the judgements of the Apex Court in ***United Bank of India Vs. Satyawati Tondon & Others*** [(2010) 8 SCC 110] (paragraph no. 43), ***Radha Krishan Industries Vs. State of Himachal Pradesh & Others*** [(2021) 6 SCC 771] (paragraph no. 27.5) and ***Varimadugu Obi Reddy Vs. B. Sreenivasulu & Others*** [(2023) 2 SCC 168] (paragraph no. 36), the writ petition is dismissed on the ground of alternative remedy.

However, it is provided that in case the appeal is preferred within a period of 15 days from today, the same shall be entertained without raising any objection with regard to the limitation.

**Order Date :-** 2.12.2023

Rahul Dwivedi/-