

Court No. - 3

Case :- WRIT - C No. - 9270 of 2023

Petitioner :- Rajendra Verma And 3 Others

Respondent :- State Of U.P. Thru. Secy. Deptt.
Nagar Vikas, Govt. U.P. Lucknow And 3 Others

Counsel for Petitioner :- Sunil Kumar
Mishra, Pravin Kumar Ahirvar

Counsel for Respondent :- C.S.C., Namit Sharma

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

Power is filed by Ms. Kavita Misra, Advocate on behalf of Nagar Nigam, Lucknow, the same is taken on record.

Heard learned counsel for the petitioners and the learned Standing Counsel.

Petitioners have approached this Court for a mandamus commanding the opposite parties to remove the encroachment from the property in dispute.

Admittedly, the petitioners have also filed the suit bearing Regular Suit No.810 of 2014 (Rajendra Verma Vs. Nagar Nigam, Lucknow) in which an application under Order 39, Rule 2-A C.P.C. is also pending and in a miscellaneous appeal the stay order is also granted in favour of the petitioners on 19.03.2016.

In view thereof, the petitioners have already availed the statutory alternative remedy. The present writ petition is not maintainable.

It is accordingly dismissed.

(Manish Kumar, J.) (Vivek Chaudhary, J.)

Order Date :- 19.10.2023

Arjun/-