

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 6145 of 2023

Petitioner :- Ashik Khan @ Ashif Khan

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. And 5 Others

Counsel for Petitioner :- Mewa Ram Satyarthi

Counsel for Respondent :- C.S.C.

Hon'ble Rajnish Kumar,J.

On an objection raised by learned Additional Chief Standing Counsel that the State of U.P. has wrongly been impleaded in the case because the State has no concern with the Civil Suit, for expeditious disposal of which the preset petition has been filed, Shri Mewa Ram Satyarthi, learned counsel for the petitioner submits that he may be permitted to delete the State of U.P. from the array of the parties.

In view of above, learned counsel for the petitioner is permitted to delete the State of U.P. from array of the parties and re-number respondent no.2 as 1 onwards during course of the day.

Heard.

This petition has been filed for a direction to opposite party no.2 for disposal of Regular Suit No.853 of 2021 filed by the petitioner for permanent injunction under Section 38 of Specific Relief Act. The petitioner has placed on record only two orders of two dates i.e. 18.11.2021 and 23.05.2023, out of which the petitioner has not appeared on 23.05.2023.

On a query being put learned counsel for the petitioner fairly admits that the respondents, who are defendants in the Suit, have also not appeared till date. He also does not know about the status of service of notice. Therefore at this stage no direction can be issued for disposal of the Suit of the year 2021.

The petition is, accordingly, **dismissed**.

(Rajnish Kumar,J.)

Order Date :- 8.12.2023

Banswar