

Court No. - 20

Case :- MATTERS UNDER ARTICLE 227 No. - 6407 of 2023

Petitioner :- Rahbari Begum And 12 Others

Respondent :- State Of U.P. Thru. Prin. Secy. Homes Lko. And 4 Others

Counsel for Petitioner :- Manoj Kumar Mishra, Amar Singh

Counsel for Respondent :- C.S.C., Verender Kumar Tiwari

Hon'ble Manish Mathur, J.

Heard learned counsel for petitioners, State Counsel for opposite party No.1 and Mr. Virendra Kumar Tiwari and Mr. A.M. Raza learned counsel for opposite party No.2. In view of order being passed, notices to opposite parties 3 to 5 stand dispensed with.

Petition under Article 227 of Constitution of India has been filed challenging order dated 30th November, 2023 passed in regular suit No.232 of 2023 instituted by opposite party No.2 for mandatory injunction in which by means of impugned order, the temporary injunction has been granted.

Learned counsel for opposite parties have raised a preliminary objection regarding maintainability of this petition in view of alternative and equally efficacious remedy available to petitioners under Order 43 Rule 1 (r) of the Code of Civil Procedure.

Upon consideration of submissions advanced by learned counsel for parties, it is quite evident that petitioner has various statutory remedies available against impugned order and petition under Article 227 straightaway is not maintainable against temporary injunction having been granted in regular suit.

In view of aforesaid, petition is dismissed as not being maintainable. Parties to bear their own cost.

Order Date :- 21.12.2023

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