IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No.16388 of 2025

Decided on 16th October, 2025

M/s Metal Closures Private Limited

…Petitioner

Versus

State of Himachal Pradesh and others

…Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

[1]Whether approved for reporting? Yes

For the petitioner	**:**	**Mr. Saurav Rattan, Advocate.**
For the respondents	**:**	**Mr. Pushpinder Jaswal, Additional Advocate General.**

Ajay Mohan Goel, Judge *(Oral)*

By way of this petition, the petitioner has *inter alia* prayed for the following reliefs:-

1. *"Issue a writ in the nature of mandamus direction respondents No.2 to 4 to take immediate action on the petitioner's complaint dated 18.09.2025 an to ensure removal of the illegal obstruction on the road at Khasra No.1018/346/176 situated in Mauja Moginand Tehsil Nahan District Sirmaur, H.P. caused by respondent No.5, thereby restoring unobstructed ingress and egress to the petitioner's factory premises as per approved plan.*

2. *Direct respondents No.2 to 4 to maintain law and order at the site and to prevent recurrence of any illegal obstruction or interference with the petitioner's industrial operations."*

2. A perusal of the documents appended with the petition demonstrate that on the same cause, the petitioner has already filed a Civil Suit titled M/s Metal Closures Pvt. Ltd. and Ravinder Kumar and another. This Court fails to understand as to how the petitioner can maintain two remedies i.e., firstly by approaching a Civil Court on the same cause and thereafter by filing a writ petition and that too by stating in the petition that he has no other efficacious remedy. The remedy before the Civil Court is not a non-efficacious remedy, as was urged by the learned counsel for the petitioner. The provisions of Order 39 Rule 1 and 2 of the Civil Procedure Code are there, which can be invoked by a party which wants any interim from a Civil Court. This is no way that on one hand a party files a Civil Suit on the same cause and thereafter on the same issue, approaches the High Court also, converting the High Court into a Court subservient to a Civil Court for the grant of the interim relief, which otherwise is to be considered by the Civil Court.

3. Though, the Court was intending to impose cost upon the petitioner, but Mr. Saurav Rattan, Advocate, submits that as the petition has been filed on his advice, the same be not imposed.

4. Accordingly, the petition is dismissed. However, as prayed for, the petitioner is granted liberty to approach the Civil Court for such interim relief, as the petitioner may be advised. Pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

October 16, 2025
(Vinod)