2026:AHC:209883-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 1138 of 2026

Ram Kishore Lal Shrivastava And 24 Others

.....Appellant(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Shree Prakash Giri
Counsel for Respondent(s)	:	C.S.C.

Court No. - 39

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

1. Heard Mr. Ashok Khare, learned Senior Advocate assisted by Mr. Shree Prakash Giri, learned counsel for the original petitioners/appellants and Mr. Ankit Gaur, learned Standing Counsel for the State.

2. We do not find any good ground to interfere with the negative exercise of discretion by the writ Court in dismissing the writ petition after granting the liberty to the petitioners to file their individual petitions making clear disclosure about the previous litigation.

3. That direction appears to have been invited by the conduct offered by the petitioners. In that, it has been noticed that one earlier writ petition was dismissed with costs and another was dismissed as withdrawn with liberty to file a fresh petition. Also, the writ Court has made following pertinent observation in paragraph no. 3 of the impugned order:-

> *"Some were dismissed on technical grounds, some were disposed of with liberty to the petitioners to represent before the authorities concerned. However, there is no disclosure with regard to the previous petition filed by the petitioners in the instant petition, rather a statement was made that no other writ petition is preferred either before this Court or the Lucknow Bench of this Court."*

4. Seen in that light, it was not made clear to the writ Court on the strength of the pleadings made by the petitioners, if the earlier petitions filed by them, had been dismissed with cost or had been disposed of with any other

direction.

5. Writ proceedings fall in the realm of equitable remedies. Unless the writ Court is sure of the facts being disclosed to it by the petitioners, such discretionary relief may not be granted.

6. Thus, we do not find any real prejudice caused to the petitioners in view of the order passed by learned single judge.

7. As to the loss of time, we leave it open to the petitioners to file a fresh petitions and pray to the writ Court for early hearing as they describe themselves to be a pensioners.

8. The appeal is, accordingly, **dismissed**.

(Swarupama Chaturvedi,J.) (Saumitra Dayal Singh,J.)

October 7, 2026

#Vikram/-

Digitally signed by :-
VIKRAM GUPTA
High Court of Judicature at Allahabad