



2026:AHC:55383-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 10062 of 2026

Gautam Kumar

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Nishant Verma, Sagar Mehrotra
Counsel for Respondent(s)	:	C.S.C., Tejasvi Misra

Court No. - 21

HON'BLE MAHESH CHANDRA TRIPATHI, J.
HON'BLE KUNAL RAVI SINGH, J.

1. Heard Sri Ashutosh Kumar holding brief of Sri Sagar Mehrotra for the petitioner. Sri Tejasvi Mishra appears for the Ghaziabad Development Authority.
2. The petitioner, who is owner and resident of Plot No. C-15, Flat Nos. G-3 and G-6, Krit Apartments, Shalimar Garden Extension-2, Sahibabad, Zone-7, Ghaziabad, has approached to this Court for a direction to Ghaziabad Development Authority to take appropriate action against the illegal construction carried out on the terrace of Krit Apartments and alternatively, it is also prayed that the application dated 24.04.2023 as well as reminder sent on 04.02.2026 may be decided expeditiously.
3. At the outset, Sri Tejasvi Mishra, learned counsel for the respondent, raised objection for the maintainability of the instant writ petition on the ground that the dispute is interse between the private parties, as the petitioner has already invoked the proceedings before Additional Civil Judge (J.D.) Court No. 1, Ghaziabad by preferring an injunction suit against the private respondents wherein the competent Civil Court has already accorded injunction in favour of the petitioner by order dated 28.08.2024.
4. In this backdrop, learned counsel for the respondents submits that as the dispute is engaging attention before Competent Court and injunction has also been accorded in favour of the petitioner and in case, the same is

flouted by the private respondents, the petitioner may approach the Competent Court and press the application under Order XXXIX, Rule 2 C.P.C. read with Rule 151 C.P.C.

5. Considering the facts and circumstances and that the dispute is pressed before us, the objection of learned counsel for Ghaziabad Development Authority is sustainable. We refrain ourselves to interfere with the writ petition under Article 226 of the Constitution of India. However, we leave it open to the petitioner to press the appropriate relief before the competent Civil Court.

6. With the aforesaid observation, the writ petition is **disposed of**.

(Kunal Ravi Singh,J.) (Mahesh Chandra Tripathi,J.)

March 18, 2026

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