
(2021) 05 UK CK 0048

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1004 Of 2021

Swami Shukdevanand Trust & Another

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 20-05-2021

Acts Referred:

Code Of Civil Procedure, 1908 — Order 39 Rule 2A
Constitution Of India, 1950 — Article 226

Citation : (2021) 05 UK CK 0048

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Nipun Singh, Dr. K.H. Gupta, T.S. Phartiyal

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

1. By means of this writ petition, petitioners have sought following relief:-

(i) A Writ Order or Direction in the nature of Mandamus directing the District Magistrate, Pauri to ensure due compliance of restraint Order dated

01.10.2018 (Annexure No. 5) passed in O.S. No. 49/2017 Swami Shukdevnand Trust v. Sharad Chandra Mishra & Another and restrain the

respondents no. 3, 4, 5, 6 and their agents from creating any hindrance in the working of the Petitioners to run the Parmarth Prakritik Chikitsa Evam

Yoga Kendra as Covid Care Centre.

2. According to the petitioners, learned Civil Judge (Senior Division), Kotdwar, Pauri Garhwal has passed order of temporary injunction on 01.10.2008

in Original Suit No. 49 of 2017. By the said order, defendants to the suit have been restrained from interfering with plaintiffs (petitioners herein)

possession over land in dispute comprised in Khasra No. 110, 160, 161 and 96 during pendency of the suit.

3. In sum and substance, petitioners want enforcement of the restraint order against the defendants to the suit.

4. Since, petitioners have a remedy under Order 39 Rule 2A of C.P.C. to approach the civil court for alleged breach of order of temporary injunction, therefore, this Court is not inclined to exercise the extraordinary powers available under Article 226 of the Constitution of India for settling a private dispute.

5. In such view of the matter, writ petition is dismissed. No order as to costs.