



2026:AHC:14596

## HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 45324 of 2025

Ram Babu

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : Neeraj Sinha, Prashant Singh, Suresh Yadav

Counsel for Respondent(s) : C.S.C.

Court No. - 6

**HON'BLE PRAKASH PADIA, J.**

1. Counsel for the petitioner is permitted to implead Additional Commissioner (Judicial), Prayagraj Division, Prayagraj as Respondent No.6 in the array of the respondents during the course of the day.

2. Order dated 14.05.2024 passed by the Respondent No.6 namely Additional Commissioner (Judicial), Prayagraj Division, Prayagraj is under challenge.

3. It is argued that by the aforesaid order, application for the grant of interim relief was rejected without assigning any reasons whatsoever. Earlier also the large number of orders were passed by the same authority and all the matters are came up before this Court which were quashed by this Court Court.

4. It is settled law that the power to grant injunction is provided under Order 39 Rules 1 & 2 C.P.C. In the aforesaid rules, certain principles have laid down by the Hon'ble Supreme Court for grant of interim injunction. It has been reportedly held by the Hon'ble Supreme Court as well as by this Court that while granting interim injunction, three basic principles, namely, (a) prima facie case, (b) balance of convenience and inconvenience, and (c) irreparable loss and injury must be taken into consideration. In the case of **Makers Development Services (P) Ltd. v. M. Visvesvaraya industrial | Research & Development Centre, (2012) 1 SCC 735 : (2012) 1 SCC (Gy) 379**, it has been held by the Hon'ble Supreme Court that while passing an interim order of injunction under Order 39, Rules 1 and 27 the court is required to consider three basic principles, namely, (a) prima facie case, (b) balance of convenience and inconvenience, and (c) irreparable loss and injury. While granting injunction must also take into consideration the conduct of the parties.

5. In this view of the matter, order dated 14.05.2024 passed by the Respondent No.6 namely Additional Commissioner (Judicial), Prayagraj

Division, Prayagraj is liable to be set aside and is hereby set aside.

6. Respondent No.6 is directed to pass a fresh order, strictly in accordance with law, expeditiously.

7. With the aforesaid observations, the writ petition is **allowed**.

**(Prakash Padia,J.)**

**January 21, 2026**

Swati