

**Court No. - 2**

**Case :-** MISC. BENCH No. - 14848 of 2020

**Petitioner :-** Mohan Singh

**Respondent :-** State Of U.P. & Anr.

**Counsel for Petitioner :-** Furkan,Aarif Ali

**Hon'ble Ritu Raj Awasthi,J.**

**Hon'ble Mrs. Saroj Yadav,J.**

Heard learned counsel for petitioner as well as learned AGA for the State.

The writ petition has been filed with the following prayer:

*"In view of the aforesaid facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:-*

*(i) Issue a writ in the nature of mandamus to direct the respondent no. 1 to release the petitioner on parole for three months and/or*

*(ii) Issue a writ in the nature of mandamus to direct the respondent no. 1 to provide a jail phone facility to the petitioner during the pandemic situation of Covid-19 because due to the country wide lockdown the family members are unable to visit and meet the petitioner and/or*

*Pass such other and further order/orders as may deem fit and proper in the interest of justice."*

Considering the fact that now there is no Lockdown due to COVID-19 Pandemic and the petitioner is even otherwise not entitle to get any phone facility in the jail, as such, the relief claimed in this regard is not tenable in the eyes of law, it is rejected.

So far as the prayer of mandamus to direct the respondent no. 1 to release the petitioner on parole for three months is concerned, we are of the considered view that such relief in the writ jurisdiction cannot be granted, particularly when the petitioner has not applied for the parole before the appropriate forum.

The writ petition being misconceived is ***dismissed***.

**Order Date :-** 20.10.2020

Santosh/-