

Court No. - 51

Case :- WRIT - C No. - 1155 of 2023

Petitioner :- Vinod And Another

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- A.P. Singh, Sangeeta Gupta

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai, J.

1. Heard Counsel for the petitioners and Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents.

2. The instant petition has been filed for following reliefs:-

"(i) To issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 30.6.2022 passed in case No. 07842 of 2018 (Lekhpal report Vs. Kalawati alias Kamlawati and Others) by the Tehsildar, Tehsil Tamkuhi District Kushinagar (respondent no.2 mentioned on khatauni) (filed as Annexure No.5 to this writ petition).

(ii) To issue a writ, order or direction in the nature of mandamus commanding the directing the Tehsildar, Tehsil Tamkuhi District Kushinagar (respondent no.2) to implement the order dated 19.9.2018 passed in case No. 07842 of 2018 (Lekhpal report Vs. Kalawati alias Kamlawati and Others) passed by Nayab Tehsildar Tarya Tehsil Tamkuhi District Kushinagar during pendency of the present writ petition before this Hon'ble Court.

(iii) To issue a writ, order or direction in the nature of mandamus commanding the directing the Tehsildar, Tehsil Tamkuhi District Kushinagar (respondent no.2) to decide the representation dated 1.7.2022 of the petitioners."

3. Counsel for the petitioners submitted that impugned order dated 30.6.2022 passed by Tehsildar is wholly illegal in view of the earlier order dated 19.9.2018 passed by the Tehsildar in favour of the petitioners.

4. The petitioners can challenge the order impugned in the appropriate proceeding in accordance with law rather for the implementation of the earlier order passed by the Tehsildar.

5. Writ petition against order of Tehsildar which is interlocutory in nature cannot be entertained in exercise of jurisdiction under Article 226 of the Constitution of India.

6. Writ petition is misconceived and **dismissed** with liberty to petitioners to initiate proper proceeding in accordance with law against the impugned order dated 30.6.2022.

Order Date :- 6.11.2023/ Vandana Y.