

Court No. - 51

Case :- WRIT - C No. - 1097 of 2023

Petitioner :- Neeraj Mishra @ Ramakanat Mishra

Respondent :- State Of U.P. And 9 Others

Counsel for Petitioner :- Akhilesh Kumar Tiwari

Counsel for Respondent :- CSC

Hon'ble Chandra Kumar Rai,J.

1. Heard Mr. Akhilesh Kumar Tiwari, Counsel for the petitioner and Mr. Amit Singh, learned Standing Counsel for the State-respondents.

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

"(i) Issue a writ order or direction in the nature of mandamus directing the concern respondents to restrain the respondent nos. 4 to 10 not to interfere in the peaceful possession/ construction of the boundary wall constructed by petitioner over the abadi land as Arazi No. 1229 area as 29x84 fit situated in the Gram Kurani Tehsil Machchalishahar, District Jaunpur.

(ii) Issue a writ order or direction in the nature of mandamus directing the concern respondent no.3 to decide the representation dated 18.11.2022 moved by the petitioners within stipulated period as fixed by this Hon'ble Court."

3. Counsel for the petitioner submitted that private respondents are interfering with the possession of the petitioner, as such, the private respondents be restrained from interfering with the possession of the petitioner.

4. Reliefs sought in the writ petition as well as pleading made in the writ petition fully demonstrate that there is private dispute between the petitioner and respondent Nos. 4 to 10 which cannot be settled by this Court in exercise of jurisdiction under Article 226 of the Constitution of India by way of writ of mandamus.

5. The writ petition is misconceived and is accordingly **dismissed** with liberty to petitioner to initiate proper proceeding in accordance with law.

Order Date :- 16.10.2023

Vandana Y.