

**Court No. - 48**

**Case :-** WRIT - B No. - 948 of 2023

**Petitioner :-** Kamlesh Nandan Mishra And 4 Others

**Respondent :-** State Of U.P. And 6 Others

**Counsel for Petitioner :-** Ramesh Kumar Mishra, Gyanendra Kumar Mishra, Subhash Chandra Upadhyay

**Counsel for Respondent :-** C.S.C., Azad Rai

**Hon'ble Saurabh Shyam Shamshery, J.**

1. Heard learned counsel for the petitioners, learned Standing Counsel for the State-respondents and perused the record.

2. The prayer made in this writ petition to cancel the notification dated 09.04.2016 published under Section 4-A (2) of U.P. Consolidation of Holdings Act, 1953, is absolutely in teeth of a judgment passed by Division Bench of this Court in the case of ***Agricultural & Industrial Syndicate Ltd. Vs. State of U.P. reported in 1975 SCC OnLine All 521.***

3. In ***Agricultural & Industrial Syndicate Ltd. (supra)*** Division Bench has held in Para 21 that:-

*"21. As already held, the notifications under Section 4 and 6 of the Act are issued by the State Government in exercise of conditional legislative powers. It cannot be conceivably contended that this Court can issue a mandamus to the legislature to legislate on any subject or to apply any law to any area. It was observed by the Supreme Court in the State of Bihar Vs. Sir Kamleshwar Singh:*

*"It cannot possibly have been intended that the legislature should be under an obligation to make a law in exercise of that power, for no obligation of that kind can be enforced by the Court against a legislative body."*

4. The aforesaid position of law was not brought into notice of Co-ordinate Bench, which has passed orders in Writ - B No.872 of 2021 and Writ - B No.1661 of 2021, therefore, this Court is not able to place reliance on said orders.

5. For the reasons given above, this writ petition is **dismissed**.

**Order Date :-** 1.11.2023/Zafar