

Court No. - 48

Case :- WRIT - B No. - 2081 of 2023

Petitioner :- Ram Awadh And 5 Others

Respondent :- State Of U.P. And 8 Others

Counsel for Petitioner :- Shashi Ranjan Srivastava, Sanjay Kumar

Counsel for Respondent :- C.S.C., Anil Kumar Rai, Vishnu Singh

Hon'ble Saurabh Shyam Shamshery, J.

None appears on behalf of petitioners.

Sri Narendra Shankar, Advocate holding brief of Sri Vishnu Singh, learned counsel for contesting respondent is present.

It is pointed out by learned counsel for contesting respondent that petitioners have rushed to this Court to challenge the order passed by Consolidation Officer despite there being an effective alternative remedy available to him i.e. to file an appeal under the provisionS of U.P. Consolidation of Holdings Act, 1953.

Sri A.C. Nishad, learned Standing Counsel for State has drawn attention of this Court on paragraph No.29 of this writ petition which states as follows :-

"That the petitioner has got no other alternative efficacious and speedy remedy available to him, but to invoke the extra ordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India...."

In the aforesaid circumstances, since there is no dispute that petitioners have an alternative remedy as well as no averment has been made in writ petition as to why they have rushed to this Court without availing the available alternative remedy, therefore, without interfering with impugned order, this writ petition is **disposed of** with liberty to petitioners to take recourse of alternative remedy available in law under the provisions of U.P. Consolidation of Holdings Act, 1953.

Order Date :- 19.10.2023

P. Pandey