

Court No. - 51

Case :- WRIT - C No. - 32299 of 2023

Petitioner :- Rahis Khan

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Shobhit Singh, Narendra Kumar

Counsel for Respondent :- C.S.C., Punit Kumar Gupta

Hon'ble Chandra Kumar Rai, J.

1. Heard learned counsel for the petitioner, Mr. Shridhar Tripathi, learned Standing Counsel for the State-respondents and Mr. Devendra Mishra, Advocate holding brief of Mr. Punit Kumar Gupta, learned counsel for the respondent no.4.

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

"i. issue a writ, order or direction in the nature of mandamus directing to the respondent authorities not to interfere in peaceful possession of petitioner over the land of Khewat no.68 situated at Purana Kasba Baghpat, District-Bhagpat.

ii. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent concerned to decide the representation dated 17.5.2023 of the petitioner with specific and reasoned order."

3. Learned counsel for the petitioner submitted that he is not pressing prayer no.1 rather he is pressing prayer no.2 for the expeditious disposal of his pending representation / application dated 17.5.2023 filed on behalf of the petitioner. He placed the representation dated 17.5.2023, which was filed by the petitioner before respondent no.4. He further submitted that waqf no.1253 be cancelled in view of the averment made in the representation / application dated 17.5.2023.

4. Learned Standing Counsel and learned Counsel for respondent no.4 submitted that the petitioner has no authority to file the instant petition for the prayer made in the representation / application dated 17.5.2023. They further submitted that no interference is required in respect to the prayer no.2 made in the writ petition.

5. I have considered the argument advanced by learned counsel for the parties and perused the records.

6. Perusal of representation / application dated 17.5.2023 reveals that petitioner prays for cancellation of waqf no.1253, which cannot be considered by this Court in exercise of jurisdiction under Article 226 of the

Constitution of India.

7. The writ petition is misconceived and ***dismissed*** accordingly.

Order Date :- 29.11.2023

Rameez