

Court No. - 47

Case :- WRIT - C No. - 39654 of 2023

Petitioner :- Sita Ram And 21 Others

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

Counsel for Petitioner :- Anant Vijay

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the parties and perused the record.

2. The writ petition has been filed for the following relief:

"i. Issue a writ order or direction in the nature of certiorari quashing the entire proceedings of suit no-02598 /2020 computer no- T202016670402598 State verses Sita Ram & others filed on 31.7.2020 u/s 144 of U.P. revenue code 2006 pending in the court of Deputy Collector Division Vindhayachal Teh- Gyanpur, District- Sant Ravi Das Nagar (Bhadohi)

ii. Issue writ, order or direction in the nature of mandamus commanding respondents not to proceed further in the suit no-02598/ 2020 State verses Sita Ram & others during the pendency of the present writ petition being contrary to the provisions of U.P. Consolidation act 1953 of U.P. Z.A. & L.R. act 1950."

3. Contention of learned counsel for the petitioners is that rights of the parties have been decided up to this Court and now a suit under Section 144 of U.P. Revenue Code, 2006 has been filed, which is not maintainable.

4. Learned Standing Counsel has raised a preliminary objection that plaint of the suit cannot be quashed and the petitioner has a remedy of moving an application under Order 7 Rule 11 C.P.C. for rejection of the plaint.

5. In view of the same, I am not inclined to interfere in the matter.

6. The writ petition is **disposed of** with liberty to the petitioners to move appropriate application in accordance with law.

Order Date :- 24.11.2023

Nitika Sri.

(Manish Kumar Nigam, J.)