

Court No. - 40

Case :- WRIT - C No. - 26761 of 2023

Petitioner :- Sujeet Singh

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

Counsel for Petitioner :- Sushil Kumar Kushwaha, Ramesh Singh Kushwaha

Counsel for Respondent :- CSC

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner and learned Additional Chief Standing Counsel for the State respondents.
2. Present writ petition is preferred with a prayer to command the respondent authorities not to interfere in peaceful possession of the petitioner and other villagers over the land in question i.e. Arazi No.397, 398, 546, 399, 400, 401, 402, 403, 459, 404, 456, 406. total 9 gatas, area 19980 sq. meter and Arazi no.372 area 18590 sq. meters situated at Mauja Khebandha, Tehsil Obra, District Sonbhadra.
3. It transpires from the record that petitioner alongwith other villagers had already filed Civil Suit No.401/2023 (Sujeet Singh and others vs. Nunu Kumar Jha and others) for permanent injunction over the land in question, which is pending consideration before Civil Judge (J.D.), Robertsganj, Sonbhadra. Record in question also reflects that respondent no.7 had also filed a Civil Suit no.42 of 2023 (M/s S.K. Bio Extracts and Application Private Ltd. vs. Ram Narayan and others) before the Civil Judge (S.D.), Sonbhadra for permanent injunction over the land in question, which is also pending consideration before the Civil Judge (S.D.), Sonbhadra.
4. Learned Additional Chief Standing Counsel raised preliminary objection qua maintainability of writ petition on the ground that claims and counter claims have been set up before the competent Civil Court, wherein, the reliefs, as has been claimed for, can always be raised and adjudicated by the court concerned, as such, the writ petition may not be entertained by this Court.
5. In normal parlance, the settlement of dispute relating to property

rights between the private persons or even against the State, the Same cannot be adjudicated or pressed under Article 226 of the Constitution of India. It is repeatedly held by the Hon'ble Apex Court as well as this Court that regular suit is the appropriate remedy for settlement of disputes relating to the property rights.

6. The High Court cannot allow the constitutional jurisdiction to be used for deciding disputes for which remedies, under general law, civil or criminal, are available. The jurisdiction under Article 226 of Constitution of India is special and extraordinary and should not be exercised casually or lightly.

7. Considering the facts and circumstances of the case, as the parties have already approached the competent civil court, we are not inclined to adjudicate the matter. Needless to say, it is open to the petitioner to approach the competent civil court.

8. With the aforesaid direction/observation, the writ petition stands ***disposed of***.

Order Date :- 12.10.2023

A. Pandey