

Court No. - 52

Case :- WRIT - C No. - 29150 of 2023

Petitioner :- Prithvi Pal Patel

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

Counsel for Petitioner :- Piyush Kant Vishwakarma

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Piyush Kant Vishwakarma, learned counsel for petitioner and Sri Dhananjay Singh, learned Standing Counsel for the State-respondent nos.1 to 3 as well as Sri Bhupendra Kumar Tripathi, learned counsel for respondent no.5.

2. The present petition has been preferred for seeking quashing of R.C. Form 20 dated 01.04.2023 issued by respondent no.3 in the proceedings under Section 67(1) of U.P. Revenue Code, 2006 and further a direction be issued in favour of the respondents to remove the alleged chakroad from bhumidhari of the petitioner bearing plot no.789M situated at Village Mungardih, Tehsil Machhalishahar, District Jaunpur.

3. On previous occasion, specific instructions were called, today when the matter was taken up, learned Standing Counsel came up with the instructions which are taken on record.

4. Learned Standing Counsel vehemently opposed the prayer as made in the petition on the basis of instructions and put question over maintainability of this petition by way of elaborating his arguments that once the petitioner participated in the proceedings under Section 67 of U.P. Revenue Code, 2006, every cause of action which are intermediary in the proceedings, is available before respondent no.3 and as such, writ petition is not maintainable till the outcome of the proceedings under Section 67(5) of U.P. Revenue Code, 2006.

5. It is admitted fact on behalf of petitioner that he has already preferred an application for demarcation whereupon the same has been done but he is not satisfied with the same, the grounds which have been mentioned in the petition, can be very well raised by way of filing objection over the spot memo which has been prepared by the revenue team and the same shall be taken into consideration by the respondent no.3.

6. Due to pendency of proceedings under Section 67 of U.P. Revenue Code, 2006, no writ petition is maintainable on the ground of alternative remedy available to the petitioner.

7. In view of the aforesaid facts and circumstances, the present petition stands **disposed of** with direction to the petitioner to raise every objection whatsoever will be in the interest of justice and for procurement of legitimate rights pertaining to him before respondent no.3.

Order Date :- 16.10.2023

Vivek Kr.