

Court No. - 40

Case :- WRIT - C No. - 28672 of 2023

Petitioner :- Pawan Kumar

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Krishna Kant Vishwakarma, Rajesh Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner and Shri Ambrish Shukla, learned Addl. Chief Standing Counsel.

2. Present writ petition has been preferred for following reliefs:-

"(I) issue a writ, order or direction in the nature of mandamus commanding the Collector/ District Magistrate, Mathura to ensure rule of law regarding possession of petitioner over the plots, mentioned in para 3 of the writ petition, by restraining any third person from making encroachment and making pakka construction till disposal of Original Suit No.508 of 2022, Om Prakash Gupta v. Mahesh Chandra Agrawal;

(II) issue a writ, order or direction in the nature of mandamus commanding the Collector/ District Magistrate, Mathura to restore the possession of petitioner over the plots, mentioned in para 3 of the writ petition, as it was prior to interim order dated 25.5.2022 passed by Civil Judge (Junior Division) Mathura in Original Suit No.508 of 2022, Om Prakash Gupta v. Mahesh Chandra Agrawal."

3. In response to the order dated 24.8.2023, learned Addl. Chief Standing Counsel has placed the detailed instructions sent by the District Magistrate, Mathura indicating therein that totally private dispute is involved in the present matter. Several civil suits are also pending consideration between the parties and they may settle their rights in the said suit proceedings. It is stated that looking to the nature of the dispute, the matter may be resolved through civil court and the administrative authorities are not competent to resolve such type of private disputes.

4. Considering the facts and circumstances of the case, once disputed facts are involved in the present matter, we are not inclined to interfere in the matter. Needless to say, it is open to the petitioner to press his relief before the competent civil court in the ongoing suit proceedings.

5. The writ petition stands **disposed of** accordingly.

Order Date :- 1.11.2023

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