

Court No. - 40

Case :- WRIT - C No. - 28594 of 2023

Petitioner :- Kalka

Respondent :- State Of U.P. And 8 Others

Counsel for Petitioner :- Brijesh Kumar Pandey

Counsel for Respondent :- C.S.C.,Mahendra Pratap Yadav

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Mohd. Azhar Husain Idrisi,J.

1. Heard Shri B.K. Pandey, learned counsel for the petitioner and Shri R.M. Upadhyay, learned Addl. Chief Standing Counsel.

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

"(A) Issue a writ, order or direction in the nature of mandamus directing the respondent no.2 to restore the possession of the petitioner over the land in question bearing gata no.242 measuring area 6.09 hectare and gata no.716 measuring area 8.21 hectare to its previous position, which was dispossessed by the respondent no.4 with the collusion of the respondent 5 to 9, to meet the ends of justice.

(B) Issue a writ, order or direction in the nature of mandamus directing the respondent nos.2 and 3 to take disciplinary action against the respondent no.4 and further commanding the respondents not to interfere in the peaceful possession of the petitioner over the land in question."

3. At the very outset, learned Addl. Chief Standing Counsel has raised an objection regarding the maintainability of the writ petition on the ground that for the controversy in hand the petitioner has already preferred Writ-B No.2355 of 2023 (Kalka v. State of U.P. & Ors.), which is still pending consideration. Once the said proceeding is still pending consideration, the filing of present writ petition is not sustainable and as such the same is liable to be dismissed.

4. We have proceeded to examine the record in question and find substance in the objection raised by learned Addl. Chief Standing Counsel and as such we are not inclined to interfere in the matter.

5. Confronted with this, learned counsel for the petitioner states that he is not inclined to press the present writ petition.

6. In view of this, present writ petition is **dismissed** as not pressed. The instructions filed by learned Addl. Chief Standing Counsel is taken on record.

Order Date :- 9.11.2023

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