

Court No. - 51

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1945 of 2023

Petitioner :- Radheshyam Prasad

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

Counsel for Petitioner :- Arvind Prabodh Dubey, Prateek Rai

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai, J.

1. Heard Counsel for the petitioner and Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for State-respondents.

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

"(i) issue a writ, order or direction in the nature of mandamus directing the respondent No.3 to conduct an enquiry and restrain the Nepali Citizen to purchase the immovable properly.

(ii) issue a writ, order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the case."

3. In compliance of the earlier order of this Court dated 24.08.2023 and 19.10.2023, instruction dated 13.09.2023 is placed before this Court, which is taken on record.

4. Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents on the basis of the instruction submitted that proceedings under Section 34 of U.P. Revenue Code, 2006 are pending before the Tehsildar on the basis of the registered sale deed executed in favour of the persons concerned. He further submitted that petitioner Radhey Shyam Prasad is party in the aforementioned pending mutation proceeding which demonstrate that there is private dispute between the petitioner and the vendees, as such, the Public Interest Litigation cannot be entertained in the matter.

5. In view of the pendency of the proceeding under Section 34 of the U.P. Revenue Code, 2006 in which petitioner is also party, public interest litigation at the instance of the petitioner cannot be entertained. **The instant PIL is misconceived and the same is accordingly, dismissed.**

Order Date :- 2.12.2023

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