

Court No. - 40

Case :- WRIT - C No. - 30198 of 2023

Petitioner :- Pappu Prajapati

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

Counsel for Petitioner :- Ram Govind

Counsel for Respondent :- C.S.C

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri Ram Govind, learned counsel appearing for the petitioner and Sri Sharad Chandra Upadhyay, learned Standing Counsel for the State respondents.

2. By this writ petition, the petitioner has prayed for following reliefs:-

"i. Issue a writ in the nature of mandamus commanding/directing the respondent authority nos.2 and 3 to take action against respondents no.4 to 9 for interfering in the peaceful possession of the petitioner over Arazi No.1562Ka, measuring an area of 0.06 hectares, and 1562 kha, measuring an area of 0.20 hectares situated in village Kumharnpurva, Kasba and Thana Yakubpur, District Auraiya, Uttar Pradesh till disposal of the application filed by the petitioner.

ii. Issue a writ in the nature of mandamus commanding/directing and restraining respondents no.4 to 9 from interfering in the peaceful possession of the petitioner over Arazi No.1562Ka, measuring an area of 0.06 hectares, and 1562 Kha, measuring an area of 0.20 hectares, situated in village Kumharnpurva, Kasba and Thana Yakubpur, District Auraiya, Uttar Pradesh without any legal proceeding and till the disposal of the application filed by the petitioner.

iii. Issue a writ, order or direction in the nature of mandamus commanding/directing respondent no.2 and 3 to decide the application filed by the petitioner within the stipulated period."

3. Learned Standing Counsel has raised an objection that the petitioner is seeking enforcement of common law rights for protection of his property. The impleadment of the State respondents is not for claiming any constitutional or statutory rights against the State. They have been impleaded for taking action, for protection of the property rights against the private respondent nos.4 to 9.

4. A writ petition for enforcement of the extraordinary remedies under Article 226 of the Constitution of India is not ordinarily

maintainable for such reliefs against persons, who do not have any public duties to perform. The petitioner has adequate and efficacious alternative remedies of approaching the civil or revenue courts, at the first instance for seeking the remedies.

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

Order Date :- 13.10.2023

RKP