

Court No. - 47

Case :- WRIT - C No. - 30013 of 2023

Petitioner :- Vijaymal Yadav

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Brijesh Kumar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam,J.

1. Heard learned counsel for the parties and perused the record.

2. The present writ petition has been filed seeking following main relief :-

"i) Issue a writ, order or direction in the nature of mandamus directing the respondents authorities to enquire the matter and ensure the construction & peaceful possession of the petitioner over the lease land i.e. 2 decimal of arazi no. 132 are 0.53 Are, situated at Village - Siswaniya, Pargana - Salempur Majhauli, Tehsil Bhatpar Rani, District - Deoria and also be taken legal penal action against the respondent no.5, 6 & 7 for their unauthorized interference over the arazi in question.

ii) Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 & 3 to consider and decide the claim of petitioner contained in representation dated 13.06.2023 & 26.06.2023 (Annexure no. 4 & 5) for being enquired the matter and ensure the construction & peaceful possession of the petitioner over the lease land i.e. 2 decimal of arazi no.132 area 0.53 Are, situated at Village - Siswaniya, Pargana - Salempur Majhauli, Tehsil - Bhatpar Rani, District Deoria."

3. Contention of learned counsel for the petitioner is that land which was allotted to the petitioner, now by virtue of operation of law, become bhoomidhari of the petitioner. Petitioner is raising construction over the land in dispute which are being obstructed by the private respondents. It has been further contended by learned counsel for the petitioner that petitioner has already moved a representation before the respondents' authorities, however, the same has not been decided despite a report has been submitted by the concerned Lekhpal.

4. Learned Standing Counsel has submitted that the U.P. Revenue Code, 2006 is a complete Code for redressal of the disputes regarding the land and, as such, the present writ

petition may not be entertained in view of the judgment passed by this Court in **Public Interest Litigation (PIL) No.2117 of 2023 (Kanhaiya Lal vs. State of U.P. and 14 others)**, decided on 27.9.2023.

5. In view of the above, the present writ petition stands **disposed of** with liberty to the petitioner to avail available remedy, as provided under the law.

Order Date :- 12.10.2023
Rishabh

[Manish Kumar Nigam, J.]