

Court No. - 47

Case :- WRIT - C No. - 31010 of 2023

Petitioner :- Rajendra Lal Kushwaha

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Virendra Kumar Mishra, Narendra Pratap Kushawaha

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 for following relief:

"i- issue a writ, order or direction in the nature of mandamus directing the respondent authorities to comply with the order dated 25.04.2018 passed by respondent no. 2.

ii- Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 to decide the representation of petitioner dated 08.05.2023 within a stipulated period."

3. A preliminary objection has been raised by learned Standing Counsel for the State that the writ petition is not maintainable for execution of orders passed by the Revenue Court in view of the judgment of Division Bench of this Court in case of **Manbhavati Vs. State of U.P. and others** reported in **2020 1 AWC 789A** and **Writ C No. 7863 of 2018 (Brij Bhushan Rai v. State of U.P. and 6 others)**.

4. In view of the above, I am not inclined to interfere with the matter.

5. Accordingly, the petition is dismissed with liberty to the petitioner to move an appropriate application under Section 23 of U.P. Revenue Code, 2006, in case, the boundary marks have been damaged or removed by someone.

Order Date :- 6.11.2023

Ved Prakash

(Manish Kumar Nigam, J.)