

Court No. - 47

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2090 of 2023

Petitioner :- Om Prakash

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

Counsel for Petitioner :- Pramod Kumar Srivastava, Munna Lal

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the petitioner, learned counsel for the respondent and learned Standing Counsel and perused the record.

2. The present petition has been filed with the following prayer:

"A. Issue a writ, order or direction in the nature of mandamus commanding/directing the respondent no. 2, 3 & 4 to evacuate the Gata No. 136, 170Kha, 238Kha, 27, 429, 435Kh, 533, 583, 602, 601M, 603M, 489/758, 489/760 & 628M are pond land, and Gate no. 362M is Sadhan Sahkari Samiti, and Gata No. 130, 142, 256, 260, 265, 266, 277, 288, 312M, 317, 340, 436, 442, 452, 459, 473, 474Kh, 494, 498, 502, 519, 526, 536, 575, 581Ka, 595/769, 597, 657M, 735/767, 581M are Navin Parti, Gata No. 1, 235, 69, 71 74Kha are Usar and Gata No. 17, 241, 28, 33, 447Kh, 460, 496, 50, 51, 545, 55Kha, 558, 577, 578, 609, 611M are Banjar situated at Village Malaka May Bhasahi, Pargana Sikandra, Tehsil Phoolpur, District Prayagraj"

3. Learned Standing Counsel has raised a preliminary objection that the petitioner has an alternative remedy to approach appropriate authority by moving an application under Section 67 of the Uttar Pradesh Revenue Code, 2006 in view of the judgment passed by this Court in ***Jahar Singh v. State of U.P. reported in 2017(4) ADJ 619.***

4. Since the petitioner has an alternative remedy, I am not inclined to entertain the instant petition.

5. In case, the petitioner moves an application under Section 67 of Uttar Pradesh Revenue Code, 2006, before appropriate authority, the same shall be decided after hearing all the concerned parties in accordance with law.

6. With the aforesaid observation, the petition is disposed of.

Order Date :- 28.10.2023

Ved Prakash

(Manish Kumar Nigam, J.)