

Court No. - 47

Case :- WRIT - C No. - 31562 of 2023

Petitioner :- Ram Prasad

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Shams Tabrez Alam Ansari, Shamimul Hasnain

Counsel for Respondent :- C.S.C., Pradeep Singh

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 :-

"Issue a writ order or direction in the nature of mandamus directing the respondent nos.2 and 3 to initiate and conclude the proceedings under section 67 of U.P. Revenue Code 2006 against the Respondent no.5 within time bound period as specified by this Hon'ble Court.

Issue a writ order or direction in the nature of mandamus directing the respondents nos.2 and 3 to decide the application dated 04.01.2023 (Annexure no.4 to the writ petition) which has been moved by the respondent no.4 before the Sub Divisional Magistrate / Respondent no.2 and conclude the same within time bound period as specified by this Hon'ble Court."

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 judgments passed by this Court in **Jahar Singh v. State of U.P. reported in 2017(4) ADJ 619** and in **Public Interest Litigation (PIL) No.2117 of 2023 (Kanhaiya Lal vs. State of U.P. and 14 others)**, decided on 27.9.2023.

4. Since the petitioner has an alternative remedy, this Court is not inclined to entertain the instant petition.

5. In case, the petitioner moves an application for redressal of his grievances u/s 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 observations, the writ petition stands ***disposed of***.

Order Date :- 13.10.2023

Rishabh

[Manish Kumar Nigam, J.]