

Court No. - 47

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2124 of 2023

Petitioner :- Shyam Lal

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Suresh Pratap Singh, Kunwar Abhishek Singh

Counsel for Respondent :- C.S.C., Pankaj Kumar Gupta

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:

"1. Issue a writ, order or direction in the nature of mandamus commanding the respondents to restore and protect the original shape and nature of plot no. 129/0.0280 of village - Chainpur Rai Post-Itwa Kungai, Tehsil - Harraya, District - Basti which is pond by initiating the proceeding against respondent no. 5 to 8 to remove the illegal construction made by them."

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 :- 31.10.2023

Ved Prakash

(Manish Kumar Nigam, J.)