

Court No. - 40

Case :- WRIT - C No. - 31610 of 2023

Petitioner :- Maharishi Balmiki Dharam Sangh Sanskrit
Uchcharat Madhyamik Vidyalaya

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Hare Krishna Mishra

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

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner, Shri Achal Mishra, learned counsel for respondent and Shri Ambrish Shukla, learned Additional Chief Standing Counsel for the State respondents.

2. Present writ petition is preferred *inter-alia* with following reliefs:-

"(i) Issue an order or direction in the nature of mandamus commanding and directing to respondent no.2 to 5 not to take over the plot no.1302/2 situated in Village Bagrehi, Tehsil Manikpur, District Chitrakoot, which is entry in the name of petitioner is in Revenue record and also in the Consolidation.

(ii) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent no.2 to 5 not to evict the petitioner over the plot no.1302/2 situated in Village Bagrehi, Tehsil Manikpur, District Chitrakoot."

3. The matter was entertained on 02.11.2023 and we have asked learned Additional Chief Standing Counsel to seek instructions in the matter. In response thereof, Shri Ambrish Shukla, learned Additional Chief Standing Counsel has placed detailed instructions dated 09.11.2023 sent by the Consolidation Officer, Chitrakoot indicating therein that as there was double entry of Gata no.1302 area 0.175 hectare in the revenue record, once the said fact was brought into the notice of the revenue officials, the same was rectified by order dated 28.8.2023. It is also objected that the said revenue entry can always be assailed by the aggrieved person in the appropriate proceeding and such disputed entry cannot be pressed under Article 226 of the Constitution of India.

4. We have the occasion to peruse the record, especially the instructions placed before us. Considering the facts and circumstances, as highly disputed facts have been urged before us, we are not at all inclined to interfere in the matter. In case the

petitioner is aggrieved by the order dated 28.08.2023, it is always open for petitioner-institution to press the relief before the appropriate Civil/Revenue Court.

5. With the aforesaid direction/observation, the writ petition stands ***disposed of***.

Order Date :- 16.11.2023

A. Pandey