

Court No. - 51

Case :- WRIT - C No. - 33956 of 2023

Petitioner :- Smt. Laxmi Devi

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

Counsel for Petitioner :- Rahul Chaudhary, Abhishek Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai, J.

1. Heard learned counsel for the petitioner and Mr. S.P. Singh, learned Additional Chief Standing Counsel for State-respondents.

2. The instant writ petition has been filed praying for a mandamus directing respondent No.2 to 4 to restrain the respondent No.5 from interfering with the possession of the petitioner in respect to the plot No.608 and 648 as well as to direct the respondents to decide the representation dated 02.09.2023 filed by petitioner within stipulated period.

3. Learned counsel for the petitioner submitted that private respondent No.5 is interfering with the possession of the petitioner as such he should be restrained from interfering with the possession of the petitioner. He further submitted that petitioner has filed a representation dated 02.09.2023 which is pending before the authorities, as such direction be issued for disposal of the pending representation.

4. Mr. S.P. Singh, learned Additional Chief Standing Counsel for the State-respondents submitted that dispute is private in nature, as such no interference is required in the matter and writ petition is liable to be dismissed.

5. I have considered the arguments advanced by the learned counsel for the parties and perused the records.

6. Perusal of the averment made in the writ petition as well as representation dated 02.09.2023 annexed along with the writ petition as Annexure No.7 reveals that there is private dispute between the petitioner and respondent No.5 in respect to the plot No.608 and 648.

7. It is settled principle of law that private dispute cannot be adjudicated in exercise of jurisdiction under Article 226 of the Constitution of India by way of writ of mandamus.

8. Considering the entire facts and circumstanced of the case, no interference is required in the matter. **The writ petition is accordingly dismissed as not maintainable.**

Order Date :- 6.11.2023

PS*