

Court No. - 40

Case :- WRIT - C No. - 32836 of 2023

Petitioner :- Ram Dhan Sharma

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

Counsel for Petitioner :- Nikhil Kumar, Prashant Kanha

Counsel for Respondent :- CSC

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner and Sri S.C.Upadhyay, learned Standing Counsel for the State respondents.
2. Petitioner is before this Court with a prayer to issue writ, order or direction in the nature of mandamus commanding the respondent no. 3 & 4 to restore the possession of the petitioner over land having Khata No. 05 & 06 situated in Village Dhanayan, P.S. Shahpur, District Muzaffarnagar as it was on 19.05.2023, wherefrom the petitioner has illegally been dispossessed by the respondent no. 4 without following any procedure of law. Alternatively, prayer is made to restrain the respondent no. 2, 3 and 4 to interfere in the private dispute between the petitioner and the respondent no. 5 & 6 except in accordance with law.
3. Learned counsel for the petitioner has very strenuously advanced his submissions seeking indulgence of this Court to interfere with the matter. However, he failed to bag the discretion of this Court in petitioner's favour as the premise on which the entire issue stands for does not inspire confidence of this Court to look into the depth of such civil dispute which bears complexity in facts and that can only be redressed by filing a civil suit before the appropriate court.
4. Looking into the aforesaid situation, we are not inclined to issue any direction in the matter leaving it open for the petitioner to take recourse of the remedy of filing a suit for determination of rights or damages before the appropriate court, if so advised.
5. The writ petition is accordingly ***disposed of***.

Order Date :- 19.10.2023

A.K.Srivastava