

Court No. - 46

Case :- WRIT - C No. - 33254 of 2023

Petitioner :- Smt Bhrigunasi Devi And 2 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Satyawar Shahi

Counsel for Respondent :- C.S.C., Narendra Pratap Singh, Vibhu Rai

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

Heard Sri Shashi Nandan, learned Senior Counsel assisted by Sri Satyawar Shahi for the petitioners, learned Standing Counsel for the State and Sri Vibhu Rai for the respondent no.4.

Prayer made in the writ petition is to command the respondents to redeliver the land to the petitioners and also restrain the respondent no.4 from changing the nature and possession of the land of Plot No.77 having an area of 8000 Sq. Ft.

The respondents by way of an affidavit have placed on record the notices issued to petitioners as well as orders passed requiring the petitioners to remove the constructions as the land was recorded in the name of Nagar Palika. These orders are not under challenge. Without there being any challenge to such orders, it would not be open for the petitioners to claim issuance of a writ of mandamus.

In that view of the matter, we permit the petitioners to withdraw the writ petition with liberty reserved to challenge the orders dated 24.5.2023 and 30.5.2023, before the appropriate forum.

Writ petition, accordingly, is consigned to records, with liberty as prayed.

Order Date :- 28.11.2023

Anil