

Court No. - 51

Case :- WRIT - C No. - 33236 of 2023

Petitioner :- Krishna Dutt Ojha

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

Counsel for Petitioner :- Vinay Kumar, Mohitosh Singh

Counsel for Respondent :- C.S.C., Jagannath Maurya

Hon'ble Chandra Kumar Rai, J.

1. Heard Sri Vinay Kumar, learned counsel for the petitioner and Sri Abhishek Shukla, learned Additional C.S.C. for the State.

(2) The instant petition has been filed for following relief:-

"(a) Issue direction to the Court below directing and commanding the respondent authorities to restrain the respondent no. 5 and his associate to refrain from the illegal encroachment from the land in question.

(b) Issue any suitable order or direction which this Hon'ble Court may deem fit and proper in the fact and circumstances of the instant case.

(c) Award the cost of the petition in favour of the petitioner."

(3). The perusal of the averment made in the application demonstrate that suit is pending between petitioner and respondents no.5.

4. The Abhishek Shukla, learned Additional C.S.C. for the State further submits that in paragraph no. 3 and 4 of the writ petition it is mentioned that suit No 5025/5026/5027 of 2022, under section 116 of UP. Revenue Code has been decided by the court concerned.

5. Considering the facts and circumstances of the case no interference is required in exercise of jurisdiction under Article 226 of the Constitution of India in order to settle the private dispute between the parties.

6. The writ petition is dismissed accordingly.

Date :- 26.10.2023

RPD