

Court No. - 40

Case :- WRIT - C No. - 34007 of 2023

Petitioner :- Savitri Devi

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

Counsel for Petitioner :- Kanhaiya Lal Tiwari

Counsel for Respondent :- C.S.C., Pankaj Kumar Gupta

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner and Sri Fuzail Ahmad Ansari, learned Additional Chief Standing Counsel for the State-respondents.
2. The present writ petition is preferred for a mandamus commanding the respondents to remove the illegal construction.
3. Learned Standing Counsel raises preliminary objection on the maintainability of the writ petition. Admittedly the petitioner is pressing relief under Section 116, Revenue Code, 2006. Moreover, the grievance of the petitioner is also that the injunction be accorded by the competent civil court. He submits the petitioner has already filed an application under Order XXXIX Rule 2A CPC, which will be decided by the competent civil court. He submits that the writ petition is not maintainable when the petitioner is already pressing the relief before the civil/ revenue court.
4. Considering the facts and circumstances of the case, we are not inclined to entertain the writ petition. Needless to say, it is open to the petitioner to press the relief before the competent civil court/ revenue court.
6. With these observations, the writ petition is ***disposed of***.

Order Date :- 6.11.2023

NLY