

Court No. - 47

Case :- WRIT - C No. - 33820 of 2023

Petitioner :- Shiv Ganesh Das Chela Shri Ram Prasad Das

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Ram Pratap Yadav, Devbratt Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam, J.

1. Heard learned Counsel for the parties and perused the record.

2. The present petition has been filed for the following relief:

"(i) Issue a writ order or direction in the nature of certiorari for quashing order dated 28.08.2023 passed by the Up Ziladhikari Sadar District Azamgarh in Case No.8555 of 2023 Computer Case No.T202315060108555 (Virajmmaan Shri Ramjanki Mandir though Ram Krishna Das Vs. State) under Section 38(1) of U.P. Revenue Code, 2006 contained in Annexure No.11 to the writ petition, in the better interest of justice.

(ii) Issue a writ order or direction in the nature of mandamus commanding the Respondent Authorities not to give any effect to the Order referred to above, in the better interest of justice."

Contention of learned Counsel for the petitioner is that in proceedings under Section 38, the court below has decided the title ignoring the explanation appended to the Section 38 of the U.P. Revenue Code, 2006

3. A preliminary objection has been raised by learned Standing Counsel that the petitioner has an alternative remedy of filing an appeal before the Commissioner against the order impugned.

4. I am not inclined to entertain the instant petition as the petitioner has an alternative remedy by filing an appeal against the order impugned.

5. Accordingly, the writ petition is **dismissed** with liberty to the petitioner to avail the alternative remedy as provided under the law and take all objections, which are permissible under the law.

Order Date :- 24.11.2023

S. Singh