

Court No. - 51

Case :- WRIT - C No. - 34030 of 2023

Petitioner :- Sriram

Respondent :- State Of U.P. 5 Others

Counsel for Petitioner :- Manoj Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai,J.

1.Heard learned Counsel for the petitioner and Mr. Chandra Prakash Yadav, learned Standing Counsel for the State-respondents.

2.The instant writ petition has been filed praying for a mandamus directing respondent No.2/Commissioner, Azamgarh Mandal Azamgarh to decide the application dated 20.07.2023 filed by the petitioner within stipulated period.

3. Learned counsel for the petitioner submitted that application has been filed by the petitioner before Commissioner to restrain the private respondent from raising construction over the plot in dispute. He further submitted that Civil Suit No. 242 of 2023 for injunction filed by petitioner impleading respondent No.6 is pending before Civil Court, Azamgarh. He further submitted that proceeding under Section 30 of U.P. Revenue Code, 2006 initiated by the petitioner is pending before the Collector.

4. In view of the pendency of the Civil Suit as well as proceeding under Section 30 of U.P. Revenue Code, 2006, no interference can be made by this Court in exercise of jurisdiction under Article 226 of the Constitution of India to settle the private dispute between the petitioner and respondent No.6. **The writ petition is dismissed**

with liberty to the petitioner to press the application for temporary injunction in pending civil suit No.242 of 2023 in accordance with law.

Order Date :- 18.10.2023

PS*