

Court No. - 47

Case :- WRIT - C No. - 33975 of 2023

Petitioner :- Girjesh Singh

Respondent :- State Of U.P. And 11 Others

Counsel for Petitioner :- A.C.Tiwari(Ac),Anand Kumar Pandey

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 mandamus commanding the district administration to put the petitioner in physical possession over the part of partitioned Arazi Nos. 89M area 0.180 hectare and 291M area 0.133 hectare situated in Village Sathari, Tehsil Chauri-Chaura, District Gorakhpur to the extent of petitioner's share, demarcated by revenue authority dated 22.05.2023 i.e. Annexure No. 4 to the writ petition with the help and protection of police force.

ii. Issue a writ, order or direction in the nature of mandamus directing the Senior Superintendent of Police (Respondent No. 3) to provide the petitioner police protection during taking the physical possession over Arazi Nos. 89M area 0.180 hectare and 291M area 0.133 hectare divided/demarcated by sub division magistrate in favour of petitioner vide order dated 08.06.2022 i.e. Annexure No. 3 to the writ petition illegally possessed by the private respondents (Respondents IInd Sets) flouting the demarcation report of revenue team dated 08.06.2022."

3. Contention of learned counsel for the petitioner is that after the demarcation of land, boundary marks were installed in pursuance of the aforesaid order, which have been removed/ destroyed by the opposite party.

4. A preliminary objection has been raised by learned Standing counsel that relief claimed by the petitioner cannot be granted in the writ jurisdiction and the proper course open for the petitioner is to move an application under Section 22 read with Section 23 of the U.P. Revenue Code, 2006.

5. In view of the above, I am not inclined to interfere in the matter.

6. The petition is **dismissed** with liberty to the petitioner to avail the remedy as provided under Sections 22/23 of the U.P. Revenue Code, 2006.

7. In case, the petitioner moves an application, the same may be considered and decided expeditiously, preferably within a period of two months from the date of production of a certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties provided there is no other legal impediment.

Order Date :- 23.11.2023

Nitika Sri.

(Manish Kumar Nigam, J.)