

Court No. - 40

Case :- WRIT - C No. - 34956 of 2023

Petitioner :- Pashu Savchhedan Audhyogik Utpadan Sahkari Samiti Ltd And 2 Others

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

Counsel for Petitioner :- Nand Lal Pandey, Suyash Pandey

Counsel for Respondent :- C.S.C., Sunil Kumar Singh

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Shri N.L. Pandey, learned counsel for the petitioners and Shri F.A. Ansari, learned Standing Counsel for the State-respondents.

2. The petitioners have prayed for the following reliefs :-

"(i) issue a writ, order or direction in the nature of mandamus directing the respondents to consider the application dated 08.09.2023 of the petitioner given in pursuance of the order passed by this Hon'ble Court on 11.08.2023 and until the decision is taken, no further action should be taken by the respondents.

(ii) issue a writ, order or direction in the nature of mandamus commanding the respondents to pass an order on the application of the petitioner dated 08.09.2023 in pursuance of the order passed by this Hon'ble Court in Writ Petition No. 23299 of 2023 on 11.08.2023 and further direct that no construction should be made by the respondents till the decision taken by the respondents on the application moved before them by the petitioner society."

3. Shri F.A. Ansari, learned Standing Counsel raised a preliminary objection regarding the maintainability of the writ petition on the ground that, earlier, the petitioners have approached to this Court by preferring a Writ-C No. 23299 of 2023, the same was disposed of by the Division Bench vide an order dated 11.08.2023 giving leave to the petitioners to approach the authority concerned as per the provisions of U.P. Revenue Code, 2006. He further submits nothing is brought on record to indicate any proceeding has been drawn as per the Code, 2006. He submits that once the leave is already accorded to the petitioner, instead of invoking the provision as contemplated under Code, 2006, the second writ petition is preferred which is not maintainable. In absence of the said proceeding, the relief as has been asked for cannot be accorded. The writ petition is liable to be treated as second petition for the same cause of action.

4. Considering the facts and circumstances and the objections so raised by the learned Standing Counsel, we are not inclined to entertain the writ petition as the same is misconceived and accordingly, the same is **dismissed**.

Order Date :- 2.12.2023/ Rama Kant