

Court No. - 47

Case :- WRIT - C No. - 35351 of 2023

Petitioner :- Premshankar Sharma @ Premchand Sharma

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

Counsel for Petitioner :- Pankaj Kumar Tyagi

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 quashing the unserved notice dated 16.07.2022 as well as ex-parte ejectment order dated 22.07.2023 passed by Assistant Collector First Class/Learned Tehsildar (Judicial) Tehsil-Khurja, District-Bulandshahar with stating petitioner is dispossessed from the illegality encroached 0.0090 hectare 90 square meters out of gata no.1279/0.1260 hectare and built shop on it and imposed Rs.31500/-Damage amount and 2000/-Penalty.

ii. Issue a writ, order or direction in the nature of Mandamus directing the respondent authority not to disposes the petitioner from the gata no.1279 of area about 90 Sq.Meter."

3. The instant petition has been filed challenging the order dated 22.7.2023 passed in proceedings under Section 67(1) of the U.P. Revenue Code, 2006.

4. A preliminary objection has been raised by the learned Standing Counsel that against the order impugned, the petitioner has an alternative remedy of filing restoration application under Rule 209(h) in case the order is ex-pare or to file an appeal under Section 67(5) of the U.P. Revenue Code, 2006.

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

6. The writ petition is dismissed with liberty to the petitioner to avail the alternative remedy as provided under the law.

Order Date :- 12.10.2023

S. Singh