

Court No. - 47

Case :- WRIT - C No. - 35184 of 2023

Petitioner :- Brijpal Singh

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Sanjay Pandey

Counsel for Respondent :- C.S.C., Hari Narayan Singh, Satendra Kumar Singh

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 2023 certiorari for quashing the order dated 24.08.2023 passed by respondent No.2 in Revision Case No. 2082/2022, Computerized Case No. C202203000002082 (Brijpal Singh Vs. Smt. Shanti Devi and others) U/S 210 U.P.Revenue Code-2006 and order dated 01.07.2022 passed by respondent No.3 in Case No. 04482/2021, Computerized Case No. T202103390104482 (Smt. Shanti Devi Vs. Gaon Sabha) U/S 34 of U.P. Revenue Code-2006 (Annexure No. 5 & 1 to this writ petition)

ii)- Issue, a writ, order or direction in the nature of mandamus commanding and directing to respondent authorities that during the pendency of Probate Suit not create the 3rd party right to any person."

3. The property in dispute belongs to one Kedar Singh. After his death, the dispute arose between the petitioner, who claims on the basis of will in his favour executed by Kedar Singh, and the respondent Nos. 5 and 6, who are the daughters of Kedar Singh. In mutation proceedings, the petitioner lost from the original court and the revision filed by the petitioner against the said order has also been dismissed.

4. Sri Satendra Kumar Singh, learned counsel representing respondent Nos. 5 & 6 has submitted that both the authorities have recorded a concurrent finding disapproving the will in favour of the petitioner and further that in case, the petitioner is aggrieved, the petitioner may institute a declaratory suit under Section 144 of the U.P. Revenue Code, 2006 for declaring his rights.

5. In view of the findings recorded by the court below, I am not inclined to interfere in the matter.

6. Accordingly, this writ petition is **dismissed** with liberty to the petitioner to avail the remedy as available to him under law.

Order Date :- 23.11.2023/Nitika Sri.

(Manish Kumar Nigam, J.)