

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 10343 of 2023

Petitioner :- Imtiyaz

Respondent :- State Of U.P. And 13 Others

Counsel for Petitioner :- Brijesh Kumar Goutam, Anoop Kumar Tiwari

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Jayant Banerji, J.

1. Heard Shri Brijesh Kumar Gautam, learned counsel for the petitioner and Shri Kamlesh Kumar Sharma, learned counsel holding brief of Shri Bhupendra Kumar Tripathi, learned counsel appearing for the respondent no. 2- Gram Panchayat. Learned Additional Chief Standing Counsel appears for the respondent no. 1.

2. This petition has been filed seeking the following relief:

"I. Issue a writ, order or direction in the nature of mandamus directing to decide the 6-C Application, pending in Original Suit No. 986 of 2022 (Islam Vs. Gram Panchayat and others), pending in the Court of Learned Civil Judge (J.D.), District- Ghazipur, within a stipulated period as fixed by this Hon'ble Court.

II. Issue any other suitable writ, order or direction to decide the entire Original Suit No. 986 of 2022 (Islam Vs. Gram Panchayat and others), pending in the Court of Learned Civil Judge (J.D.), District- Ghazipur, within a stipulated period as fixed by this Hon'ble Court."

3. It appears that an Original Suit No. 986 of 2022 was filed seeking a decree of permanent injunction with regard to interference created by the defendants in the usage of a village road marked as A, B, B1, B4, E, H.

4. A preliminary objection has been raised by the learned counsel for the respondents as to the maintainability of the suit itself in view of the alternative remedy provided under Sections 25 and 26 of the U.P. Revenue Code, 2006.

5. At this stage, learned counsel for the petitioner states that he may be permitted to withdraw this petition.

6. This petition is, accordingly, **dismissed** as withdrawn.

Order Date :- 8.12.2023

A. V. Singh

(Jayant Banerji, J.)