

Court No. - 52

Case :- WRIT - C No. - 35240 of 2023

Petitioner :- Ramasharay Kushwaha

Respondent :- State Of U.P. And 8 Others

Counsel for Petitioner :- Ravindra Sharma

Counsel for Respondent :- CSC

Hon'ble Saurabh Srivastava,J.

1. Heard Sri Ravindra Sharma, learned counsel for petitioner, Sri Rajesh Tiwari, learned Additional Chief Standing Counsel appearing for State-respondents.

2. Instant writ petition has been preferred for seeking order and direction in the nature of mandamus commanding the respondents for taking action against the respondents No. 6 to 9 for encroachment in shape of raising permanent wall over the pathway against the Sikmi 163, Khsra No.1320 at village Parsiyan, Tehsil Barhaj, District Deoria.

3. On earlier occasion specific instructions has been called from respondent No.4, in pursuance to the same, therefore, Sri Rajesh Tiwari, learned Additional Chief Standing Counsel came up with a specific instructions that Sikmi Nos.168 and 169 pertains to the Sahan and house of the petitioner for which original suit No.1684 of 2022 preferred by petitioner is already pending before the Civil Judge Junior Division, District Deoria. The encroachment is actually raised over the disputed property which is already subject matter of civil suit pending before the Civil Judge Junior Division, District Deoria.

4. In view of the facts and circumstances, there is hardly any occasion to issue any direction as prayed for. The writ petition is accordingly **disposed of** with liberty to the petitioner to approach the civil court to pursue the original suit which is still subject to final adjudication before the Civil Judge Junior Division, District Deoria.

Order Date :- 17.11.2023

Md Faisal