

Court No. - 47

Case :- WRIT - C No. - 35898 of 2023

Petitioner :- Sanjay Kumar

Respondent :- State Of U.P. And 22 Others

Counsel for Petitioner :- Sheetla Sahai Srivastava

Counsel for Respondent :- C.S.C.,Azad Rai,Sudhir Kumar

Hon'ble Manish Kumar Nigam,J.

1. Heard learned counsel for the parties and perused the record.

2. This writ petition has been filed with following reliefs:-

"A- Issue a writ, orders or direction in the nature of certiorari to quash the order dated 12.09.2023 passed by respondent no. 2 in Suit No. 1423 of 2017 (computerized case no. C201702001423) Prem Narain vs. Rakesh Singh & ors. under Section 331 (3) U.P. Z.A.L.R. Act, 1950.

B- Issue a writ, orders or direction in the nature of mandamus to restrained to the respondents not to interfere in the peaceful possession of the petitioner & other co-sharers."

3. Contention of the learned counsel for the petitioner is that the suit filed by the respondent under Section 229 B of the U.P. Z.A. & L.R. Act was dismissed by the Court vide order dated 08.11.2017. Against the order dated 08.11.2017, an appeal was filed and the same has been allowed by order dated 12.09.2023 and the order dated 08.11.2017 was set aside and the matter was remanded to the trial court.

4. Shri Sudhir Kumar, learned counsel for the caveator raised preliminary objection that against the order impugned, the petitioner has an alternative remedy of filing second appeal before the Board of Revenue.

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

6. The writ petition is ***dismissed*** with the liberty to the petitioner to avail the alternative remedy as provided under the U.P. Z.A. & L.R. Act.

Order Date :- 17.10.2023

Vipasha