

Court No. - 52

Case :- WRIT - C No. - 35300 of 2023

Petitioner :- Ashok Kumar

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

Counsel for Petitioner :- Hemant Sharma

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Srivastava,J.

1. Heard Sri Hemant Sharma, learned counsel for petitioner and learned Standing counsel for State respondents.

2. Present petition has been filed seeking direction in the nature of mandamus in favour of respondent no. 3 to decide the representation dated 01.07.2022 of the petitioner whereby petitioner has sought for possession over plot no. 478 and 39 situated at village Navinagar by way of demarcating it.

3. Learned Standing counsel came up with specific instructions which is taken on record, through which he submitted that petitioner is already in possession over plot no. 478 while with regard to plot no. 39, the revenue authorities have restored possession of petitioner over some portion of the said plot and to claim possession over rest portion of plot no. 39, petitioner has to avail remedy available under Section 38 of U.P. Revenue Code, 2006.

4. In view of the aforementioned facts and circumstances, it is crystal clear that no cause of action further survives for petitioner to pursue the instant petition and the same stands ***disposed of***. However, it is made clear that for correction as well as any deficiency which arises over the spot in consonance with the measurement available in the records, petitioner is entitled to prefer specific remedy available at law, if so advised.

Order Date :- 22.11.2023

Shaswat