

Court No. - 51

Case :- WRIT - C No. - 35437 of 2023

Petitioner :- Khalikun Nisha

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

Counsel for Petitioner :- Lalta Prasad, Akhilendra Singh

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Akhilendra Singh, learned counsel for the petitioner and Mr. Anil Srivastava, learned Standing Counsel for the State-respondents.
2. The instant petition has been filed for mandamus directing respondent no.2 - Sub-Divisional Magistrate to take appropriate steps / ensuring the peaceful possession of the petitioner over Arazi No.166 / 0.0320 hectare.
3. Learned counsel for the petitioner submitted that on the basis of registered sale-deed executed in favour of petitioner, the name of the petitioner has been recorded in the revenue records. He further placed the copy of the Khatauni, which has been annexed as Annexure No.1 to the writ petition in order to demonstrate that the name of the petitioner is recorded in the Khatauni. He further submitted that in spite of the execution of the sale deed in favour of the petitioner, the possession has not been delivered, as such, the authorities be directed to taken action for delivery of possession in favour of the petitioner in respect to the plot in question.
4. Mr. Anil Srivastava, learned Standing Counsel submitted that the prayer made in the writ petition cannot be granted and the writ petition is not maintainable for the relief claimed in the writ petition.
5. I have considered the argument advanced by learned counsel for the parties and perused the records.
6. There is no dispute about the fact that the petitioner is recorded tenure holder of the plot in dispute.
7. The prayer made in the writ petition cannot be granted by this Court in exercise of jurisdiction under Article 226 of the Constitution of India.
8. The writ petition is ***dismissed*** accordingly with liberty

to the petitioner to initiate proper proceeding for the relief claimed in the writ petition in accordance with law.

Order Date :- 7.11.2023
Rameez