

Court No. - 47

Case :- WRIT - C No. - 36972 of 2023

Petitioner :- Raju Singh

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

Counsel for Petitioner :- Ashish Kumar Mishra

Counsel for Respondent :- CSC, Hari Narayan Singh

Hon'ble Manish Kumar Nigam, J.

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

2. This writ petition has been filed for the following relief:-

"(i) Issue a suitable writ, order or direction in the nature of Certiorari to quash/set aside the impugned order dated 02.03.2023 passed by respondent no.2, rejecting the restoration application of the petitioner as well as the impugned ex-parte order dated 24.08.2022 passed by respondent no.1 in Case No.10049/2022, Gaon Sabha Vs. Raju Singh, Computerize Case No.T202203410110049, U/s-67 of U.P. revenue Code, 2006.

(ii) Issue a suitable writ, order or direction in the nature of Mandamus commanding and directing the respondents authorities not to demolish the residential house of the petitioner in the garb of impugned orders mentioned above and the consequential proceeding under Land Revenue Code, 2009."

3. The contention of learned counsel for the petitioner is that an ex-parte order was passed against the petitioner in proceedings under Section 67 of the U.P. Revenue Code, 2006 on 24.08.2022. The restoration application filed by the petitioner has also been dismissed by order dated 02.03.2023 passed by the respondent no.2.

4. Learned Standing Counsel has raised a preliminary objection that the petitioner has an alternative remedy of filing the appeal under Section 67(5) of the U.P. Revenue Code, 2006.

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

6. Accordingly, this writ petition is **dismissed** with liberty to the petitioner to avail an alternative remedy of appeal as provided under Section 67(5) of the U.P. Revenue Code, 2006.

Order Date :- 3.11.2023

Mini

(Manish Kumar Nigam, J.)