

Court No. - 40

Case :- WRIT - C No. - 36207 of 2023

Petitioner :- Noteprakash Dube

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Sheetla Sahai Srivastava

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Sri Sheetla Sahai Srivastava, learned counsel for the petitioner, Ms. Shubhra Singh, learned standing counsel for the State respondents and Sri Bhupendra Kumar Tripathi, learned counsel for Gaon Sabha.

2. In pith and substance the petitioner has invoked writ jurisdiction for restraining the Gaon Sabha not to carry out any construction/tube-well over his holding gata no.11/34 new no.29, araji no.4 new no.30.

3. Ms. Shubhra Singh, learned standing counsel raised an objection regarding maintainability of writ petition on two folds, firstly, the land in question where tube-well is to be installed is recorded as public utility land and insofar as the proceeding under Section 32/38 of U.P. Revenue Code, 2006 is concerned, the petitioner has not filed any application before the competent authority in accordance with law. She further submits that the said disputed facts cannot be adjudicated in writ jurisdiction under Article 226 of the Constitution of India and the writ petition is liable to be dismissed on the ground of efficacious remedy.

4. Confronted with the situation, learned counsel for the petitioner states that he is not inclined to press the present writ petition and the present writ petition may be disposed of as not pressed leaving it open to the petitioner to press the application under Section 32/38 of U.P. Revenue Code, 2006 before the competent authority.

5. With the aforesaid leave, the instant writ petition stands ***disposed of.***

Order Date :- 30.11.2023

S.P.