

Court No. - 51

Case :- WRIT - C No. - 35699 of 2023

Petitioner :- Radhika Devi

Respondent :- State Of U.P. And 9 Others

Counsel for Petitioner :- Ram Prakash Chauhan

Counsel for Respondent :- CSC

Hon'ble Chandra Kumar Rai,J.

1.Heard Mr. Lavlesh Kumar Sharma holding brief of Mr. R. P. Chauhan, learned counsel for the petitioner and Mr. R.C.Srivastava, learned Additional Chief Standing Counsel for the State-respondents.

2. The instant petition has been filed for mandamus directing respondent No. 3 to decide petitioner's application dated 20.1.2023 within stipulated period as well as direct the authority to protect the right of the petitioner from illegal interference created by private respondent Nos. 4 to 10 with respect to Gata No. 252 Sa area 0.0320 hectare.

3. Learned counsel for the petitioner submitted that civil suit filed by the petitioner was decreed and decree has not been set aside, modified or recalled in any proceeding. He further submitted that private respondents have started interference with the possession of the petitioner in respect to plot in dispute, as such, application has been filed before the authorities, which is pending.

4. Mr. Abhishek Shukla, learned Additional Chief Standing counsel for the State-respondents submitted that dispute is private in nature, as such writ petition under Article 226 of Constitution of India for mandamus cannot be entertained. He further submitted that representation/ application filed by

petitioner before the Revenue Authority restraining the private respondent from interfering with the petitioner's plot by way of writ of mandamus under Article 226 of Constitution of India cannot be entertained by the authority concerned.

5. I have considered the argument advanced by the learned counsel for the parties and perused the record.

6. It is settled law that private dispute cannot be settled in exercise of jurisdiction under Article 226 of the Constitution of India by way of writ of mandamus.

7. The perusal of the writ petition fully demonstrate that dispute between the parties is private in nature.

8. Considering the entire facts and circumstances the writ petition is not maintainable and dismissed.

Order Date :- 2.11.2023

PS*