

Court No. - 40

Case :- WRIT - C No. - 35974 of 2023

Petitioner :- Prabhudutt

Respondent :- State Of U.P. And 14 Others

Counsel for Petitioner :- Amresh Malviya, Gaurav Malviya

Counsel for Respondent :- C.S.C., Azad Rai

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner, Shri Azad Rai, learned counsel appearing for respondent no. 5 and learned Standing Counsel for the State-respondents.

2. By means of the present writ petition, the petitioner has prayed for a direction in the nature of mandamus directing the respondents to comply the order dated 05.06.2023 passed by respondent no. 3, whereby, direction was issued to both the parties to maintain status quo till further orders.

3. The petitioner's grievance is that, in spite of the proceedings under Section 116 of U.P. Revenue Code, 2006 which has already been finalised on the spot, the same has not complied with. He submits that there is no other impediment as the proceeding has not been subjected before the higher authority under the Code, 2006. Learned counsel for the petitioner is confined his prayer that direction may be issued to the Sub-Divisional Magistrate concerned to ensure compliance of order dated 05.06.2023.

4. Learned Standing Counsel raised an objection regarding maintainability of the writ petition on the ground that U.P. Revenue Code, 2006 is a self-contained Act and the parties have other right to invoke the higher forum, in case, the parties are aggrieved with the said order.

5. Considering the facts and circumstances, without advertng to the merits of the case, the writ petition stands **disposed of**, in case, there is no other impediment, the competent authority must ensure the compliance of the order dated 05.06.2023 strictly in accordance with law.

Order Date :- 17.10.2023

Rama Kant