

Court No. - 47

Case :- WRIT - C No. - 36555 of 2023

Petitioner :- Mejar Ali

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Amit Kumar

Counsel for Respondent :- C.S.C., Akash Khare, Sunil Kumar 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 following relief:

" (i) a writ, order or direction in the nature of Certiorari to quash the impugned order dated 30.08.2023 passed by the respondent no. 2 in Revision No. 1054 of 2021 (Computer Case No. C202011000001054) (Mejar Ali Vs. Islam and others), order dated 03.08.2021 passed by the respondent no. 3 in Appeal No. 00319/2019 [Computer Case No. T201911730500319] (Mejar Ali Vs. Islam and others) as well as the order dated 23.01.2019 passed by the respondent no. 4 in Case No. RST/00471/2018 [Computer Case No. T20181730500471] (Islam Vs. Hazra) and the order dated 26.09.2017 passed by the respondent no. 4 in Case No. 308/17 [Computer Case No. 20171173999052114] (Islam Vs. Hazra) (Annexure- 9, 7, 6 & 3 respectively to writ petition);"

3. Learned counsel appearing for the contesting respondents raised a preliminary objection that the present writ petition has been filed challenging the orders passed in proceedings under Section 34 of the U.P. Land Revenue Act. It has also been informed by Sri Akash Khare, learned counsel for respondent No. 6 that the petitioner has filed his suit under Section 144 of the U.P. Revenue Code, 2006, being Suit No. 01704 of 2019, which is pending.

4. Since orders passed in mutation proceedings are summary in nature and the remedy open to the petitioner for getting his rights declared is already being availed by the petitioner, I am not inclined to interfere in the matter.

5. Accordingly, the writ petition is **dismissed**.

6. However, the court below where the proceedings under Section 144 of the U.P. Revenue Code, 2006, are pending shall decide the same without being influenced by any of the observations made either by this Court or any court in proceedings under Section 34 of the Act, independently.

Order Date :- 23.11.2023

Nitika Sri.

(Manish Kumar Nigam, J.)