

Court No. - 47

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2423 of 2023

Petitioner :- Gauri Shankar Mourya

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

Counsel for Petitioner :- Deepak Kumar Tripathi

Counsel for Respondent :- C.S.C., Pankaj Kumar Gupta

Hon'ble Manish Kumar Nigam, J.

1. This writ petition has been filed for following reliefs:-

"i) issue a writ, order or direction in the nature of mandamus directing the respondent Nos.2, 3 and 4 to conduct the demarcation of public utility land through Revenue authority as Gata Nos. 13, 24, 102 and 213 which is recorded as Chakroad, Gata Nos. 428, 473, 257, 292 and 481(Sa) which is recorded as Rehar and Gata Nos. 346 which is recorded as Nali (Drain) in the revenue record situated in village- Subakhari Hariharpur, Tehsil-Dhanghata, District- Sant Kabir Nagar.

ii) issue a writ, order or direction in the nature of mandamus directing respondent No. 3 to take necessary action on the application of petitioner dated 25.07.2023 within stipulated period which is pending before him (Annexure No.4 to this writ petition)."

2. The contention of the learned counsel for the petitioner is that land of chakroad as well as nali has been demarcated and the same has been occupied by certain villagers.

3. A preliminary objection has been raised by learned Standing Counsel for the State that the writ petition is not maintainable for execution of orders passed by the Revenue Court in view of the judgment of Division Bench of this Court in case of **Manbhavati Vs. State of U.P. and others** reported in **2020 1 AWC 789A** and **Writ C No. 7863 of 2018 (Brij Bhushan Rai v. State of U.P. and 6 others)**.

4. In view of the same, i am not inclined to interfere in the matter.

5. The writ petition is **dismissed** with liberty to the petitioner to avail the remedy as available to him under the provisions of U.P. Revenue Code, 2006.

Order Date :- 17.10.2023

Vipasha