

Court No. - 47

Case :- WRIT - C No. - 36211 of 2023

Petitioner :- Surendra And 5 Others

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

Counsel for Petitioner :- Ram Swaroop

Counsel for Respondent :- C.S.C., Rameshwar Prasad Shukla

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the parties and perused the record.

2. The present writ petition has been filed seeking following main relief :-

"i) Issue a writ order or direction in the nature of certiorari quashing the notice dated 01.08.2023 issued by Tehsildar, Tehsil - Budhanpur, District - Azamgarh (Annexure no.1).

ii) Issue a writ order or direction in the nature of mandamus directing/restraining the respondents not to interfere in peaceful possession over the land/house of the petitioners."

3. A preliminary objection has been raised by learned Standing Counsel that present writ petition is not maintainable as the writ petition has been filed against the notice, issued to the petitioners, in proceedings under Section 67(1) of the U.P. Revenue Code, 2006.

4. In view of the above, this Court is not inclined to interfere in the matter.

5. Accordingly, the writ petition is **dismissed** with liberty to the petitioner to raise all possible objections before respondent No.4 where the proceedings u/s 67 of the U.P. Revenue Code, 2006 are pending and in case, such an objections are filed, it is expected that they will be considered and decided, in accordance with law.

Order Date :- 18.10.2023

Rishabh