

**Court No. - 51**

**Case :-** WRIT - C No. - 36086 of 2023

**Petitioner :-** Vinod Kumar

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

**Counsel for Petitioner :-** Pramod Kumar Pandey

**Counsel for Respondent :-** C.S.C.,Bhupendra Kumar Tripathi

**Hon'ble Chandra Kumar Rai,J.**

1. Heard Mr. Pramod Kumar Pandey, learned counsel for the petitioner, Mr. Anil Srivastava, learned Standing Counsel for the State-respondents and Mr. Bhupendra Kumar Tripathi for the respondent no.3-Gaon Sabha.

2. The instant petition has been filed for the following relief :-

*"I. Issue a writ, order or direction in the nature of mandamus directing the respondent no.2 to consider the claim of the petitioner and restrain the respondent no.4 to 15 in pursuance of the construction of the petitioner of the abadi land of gata no.1883 rakba 0.3600 hectare, according to the demarcation proceedings of the Revenue Authority which is situated in Village and Post Singera, Pargana-Pachotar, Tehsil Kasimabad, District Ghazipur."*

3. Counsel for the petitioner submitted that private respondents are interfering in the peaceful possession of the petitioner in collusion of the State-respondents as such direction be issued to respondent nos.2 to restrain the private respondent nos.4 to 15 from interfering in the peaceful possession of the petitioner. He placed the report of Revenue Authority in order to demonstrate that in spite of the report submitted in the proceeding for demarcation the private respondents are interfering in the peaceful possession of the petitioner.

4. Mr. Mr. Anil Srivastava, learned Standing Counsel for the State-respondents and Mr. Bhupendra Kumar Tripathi for the respondent no.3-Gaon Sabha submitted that the dispute appears to be private in nature as such writ petition is not maintainable and the same is liable to be dismissed.

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

6. Perusal of the averments made in the writ petition as well as relief sought in the writ petition reveals that there is private dispute between the petitioner and the respondent nos.4 to 15. The jurisdiction under Article 226 of the Constitution of India cannot be exercised to settle the private dispute between the parties.

7. Writ petition is dismissed with liberty to the petitioner to initiate proper proceeding for redressal of their grievance before proper forum.

**Order Date :- 16.11.2023**

m.a.