

**Court No. - 47**

**Case :-** WRIT - C No. - 37264 of 2023

**Petitioner :-** Ramesh Chandra

**Respondent :-** State Of U.P. And 3 Others

**Counsel for Petitioner :-** K.C. Mishra

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

**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 for the following relief :

*"A. Issue a writ, order or direction in the nature of mandamus commanding to respondent no.3 to ensure the delivery of physical possession to present petitioner over arazi No.562m area 0.114 hect. situated at village- Tiyrajampur, Pargana Karari, Tehsil Manjhanpur, Kaushambi within a very stipulated time as per fixed by this Hon'ble court otherwise; petitioner shall have to sustain an irreparable loss and injury which cannot be compensated in any manner.*

*B. Issue a writ, order or direction in the nature of mandamus commanding to respondent no.3 to take into account on the applications of petitioner made by him on different different dates and same may be decided within a very prescribed time as per fixed by this Hon'ble court."*

3. The contention of learned Counsel for the petitioner is that the petitioner was granted lease of the land in the year 2019 which was approved by the concerned S.D.M on 28.2.2019 but the petitioner has not been given possession over the land in dispute.
4. Learned Standing Counsel raised a preliminary objection that a remedy of the petitioner lies by making an application under Section 129 of the U.P. Revenue Code, 2006.
5. In view of the same, I am not inclined to interfere in the matter.
6. The petitioner is permitted to move an application under Section 129 of the U.P. Revenue Code, 2006 which shall be decided by the concerned authority in accordance with law within a period of three months from the date of production of certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties provided that there is no other legal impediment.
7. Accordingly, the writ petition is **disposed of**.

**Order Date :-** 20.11.2023

**S. Singh**