

Court No. - 40

Case :- WRIT - C No. - 38038 of 2023

Petitioner :- Afsana Bano

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

Counsel for Petitioner :- Kailash Nath Singh

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner and learned Standing Counsel for the State respondents.
2. In pith and substance, petitioner is seeking a direction commanding the respondent authorities to deliver the possession of property in dispute to the petitioner, being plot no.46M, area 23 aer, situated in Village Jallapur, Pargana, Tehsil & District-Bhadohi.
3. At the very outset, learned Standing Counsel has raised a preliminary objection regarding the maintainability of this writ petition on the ground that there is a civil dispute between the petitioner and private incumbents and in case, the private incumbents are interfering in the peaceful possession of the petitioner, she has got efficacious remedy to approach the competent civil/revenue court. In the guise of the filing present writ petition and seeking a direction to decide the representation, no reprieve can be extended to the petitioner and the writ petition is liable to be dismissed.
4. The petitioner is seeking enforcement of common law rights for protection of her property. The impleadment of the State respondents is not for claiming any constitutional or statutory rights against the State. They have been impleaded for taking action, for protection of the property rights against the private individuals.
5. A writ petition for enforcement of the extraordinary remedies under Article 226 of the Constitution of India is not ordinarily maintainable for such reliefs against persons, who do not have any public duties to perform.
6. Considering the facts and circumstances as well as arguments

advanced by the counsel for the parties, we are not at all inclined to interfere in the matter. However, The petitioner has adequate and efficacious alternative remedies of approaching the civil or revenue courts, at the first instance for seeking the remedies.

7. With the above observation, the writ petition is **disposed of**.

Order Date :- 16.11.2023

Sachin