

Court No. - 47

Case :- WRIT - C No. - 36740 of 2023

Petitioner :- Bal Mukund Pandey

Respondent :- State Of U.P. And 8 Others

Counsel for Petitioner :- Udai Chandani, Deepak Maurya

Counsel for Respondent :- C.S.C

Hon'ble Manish Kumar Nigam, J.

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

2. The instant writ petition has been filed with the following prayer:-

"(i) Issue a suitable writ, order or direction in the nature of mandamus directing the respondent no.4 & 7 to take necessary action against the respondent no.9 relating to the property of the petitioner situated at Malak Harhar, Uparhar, Tehsil Soraon, Arazi No.37, Raqba 0.4340 hectare.

(ii) Issue a suitable writ, order of direction in the nature of mandamus restraining the respondent no.9 not to raise any construction on the property of the petitioner situated at Malak Harhar, Uparhar, Tehsil- Soraon, Arazi No.37, Raqba 0.4340 hectare."

3. The present writ petition is not maintainable as the prayer made by the petitioner is for execution of the order passed by the Revenue Court in proceeding under Section 116 of the U.P. Revenue Code.

4. In view of Section 214 of U.P. Revenue Code, the provisions of Code of Civil Procedure are applicable and the Code of Civil Procedure provides for complete procedure for execution of final order as well as interim order.

5. A preliminary objection has also 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)**.

6. In view of the above, the writ petition is **dismissed** accordingly with liberty to the petitioner to pursue the remedy available to him under the law.

Order Date :- 26.10.2023

Pravesh Mishra