

Court No. - 51

Case :- WRIT - C No. - 36818 of 2023

Petitioner :- Mukutdhari

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Prayag Lal Kushwaha

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

Hon'ble Chandra Kumar Rai,J.

1. Heard learned counsel for the petitioner, Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents and Mr. Azad Rai, learned counsel for the respondent- Land Management Committee.

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

"i. issue a writ, order or direction in the nature of mandamus commanding / directing the respondents authority to restrain the respondent no.6 not to interfere in the peaceful possession of the petitioner over the Awasi Patta Land in Khasara No.616 of the Navin Parti, situated at Village- Khanpur, Tappa- Chaurasi, Pargana- Khairagarh, Tahsil- Meja, District- Prayagraj.

ii. issue a writ, order or direction in the nature of mandamus commanding / directing the concerned respondents to decide the application dated 26.12.2022 of the petitioner which is pending before them."

3. Learned counsel for the petitioner submitted that the petitioner was granted residential lease and petitioner remained in possession on the basis of lease executed in favour of the petitioner. He further submitted that private respondent no.6 started interference in the possession of the petitioner, hence this writ petition.

4. On the other hand, learned Additional Chief Standing Counsel for the State-respondents submitted that the dispute appears to be private in nature, as such, writ petition is not maintainable.

5. I have considered the argument advanced by learned counsel for the parties and perused the records.

6. Perusal of the averment made in the writ petition reveals that the dispute is private in nature. The relief prayed by the petitioner in the writ petition cannot be granted in exercise of jurisdiction under Article 226 of the Constitution of India.

7. The writ petition is accordingly, dismissed with liberty to the petitioner to initiate the proper proceeding before proper forum in accordance with law.

Order Date :- 9.11.2023
Rameez