

Court No. - 40

Case :- WRIT - C No. - 36935 of 2023

Petitioner :- Anjmul Hasan

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Sri Narayan Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Ms. Nand Prabha Shukla,J.

1. Heard learned counsel appearing for the petitioner and Sri Sharad Chandra Srivastava, learned Standing Counsel for the State respondents.

2. By this writ petition, the petitioner has prayed for following relief:-

"(i) Issue a writ, order or direction in the nature of mandamus directing the respondent authorities to take appropriate action against the private respondents for forcibly occupying the share of the petitioner in the land in dispute bearing Gata No.202 area 2 Acre situated at Village Khiriya Rasoolpur, Pargana-Bada Gaon, Tehsil Puwayan, District Shahjahanpur and utilizing the same for Brick Kiln and get free the share of the petitioner in the land in dispute from the hands of private respondents and their associates."

3. The petitioner is seeking enforcement of common law rights for protection of his 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 respondents.

4. 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. The petitioner has adequate and efficacious alternative remedies of approaching the civil or revenue courts, at the first instance for seeking the remedies.

5. Accordingly, the writ petition is **disposed of**.

Order Date :- 28.10.2023

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