

Court No. - 47

Case :- WRIT - C No. - 37368 of 2023

Petitioner :- Suresh Pandey

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

Counsel for Petitioner :- Bhriagu Jee Singh

Counsel for Respondent :- C.S.C., Rameshwar Prasad Shukla

Hon'ble Manish Kumar Nigam, J.

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

2. This writ petition has been filed for following relief:

"i) Issue a writ order or direction in the nature of mandamus directing/ commanding the respondent no. 3 to evict the Gaon Sabha land Gata No. 23/409 (Nai Parti) from respondent No. 5 which is situated in village Khirauli, Pargana Lakhneshwar, Tehsil Rasra, District- Ballia in pursuance of the order dated 28.03.2023 in Case No. 6277 of 2022 (Computerized Case No. T202215090406277) (Gaon Sabha Vs. Sher Bahadur) under Section 67 of U.P. Revenue Code-2006 pending before him expeditiously within a stipulated period as may specified by this Hon'ble Court."

3. Contention of learned counsel for the petitioner is that on the application of the petitioner, orders have been passed under Section 67 of the U.P. Revenue Code, but the same are not been executed.

4. A preliminary objection has 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)**.

5. Accordingly, the writ petition is **dismissed**.

Order Date :- 30.10.2023

Nitika Sri.

(Manish Kumar Nigam, J.)