

Court No. - 47

Case :- WRIT - C No. - 37955 of 2023

Petitioner :- Nirbhay Vikram Pratap Singh

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

Counsel for Petitioner :- P.K. Upadhyay, Kalpna Upadhyay

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Manish Kumar Nigam, J.

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

2. The present writ petition has been filed for the following relief:-

"1. Issue a writ, order or direction in the nature of mandamus directing to the respondent no.2 & 3 to remove the respondent nos.4 to 8 from the Gaon Sabha Land and Arazi no.433 and 438 of the Village-Lohgajar, Pargana-Bayalsi, Tehsil Kerakat, District Jaunpur pursuant to the order dated 28.02.2023 (Annexure No.1) passed by the respondent no.3 in accordance with law.

2. Issue a writ, order or direction in the nature of mandamus directing to the respondent no.2 to decide the application dated 07.04.2023 (Annexure no.3) submitted by the petitioner and remove the respondent nos.4 to 8 from the Gaon Sabha Land of Arazi no.433 and 438 of the Village-Lohgajar, Pargana- Bayalsi, Tehsil Kerakat, District Jaunpur pursuant to the order dated 28.02.2023 (Annexure No.1) passed by the respondent no.3. "

3. A preliminary objection has been raised by learned Standing Counsel for the State that the writ petition cannot be filed for enforcement/execution of the 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)**.

4. In view of the above, I am not inclined to interfere in the matter.

5. Accordingly, the writ petition is **dismissed** with liberty to the petitioner to avail an alternative remedy as available to him under the law.

Order Date :- 3.11.2023

Mini

(Manish Kumar Nigam, J.)