

Court No. - 40

Case :- WRIT - C No. - 37562 of 2023

Petitioner :- Nand Lal

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

Counsel for Petitioner :- Anil Pratap Singh

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner and Sri Devansh Rathore, learned Additional Chief Standing Counsel for the State-respondents.

2. The grievance of the petitioner is that direction be issued upon private respondents i.e. respondent nos.4 to 6 to not to interfere in petitioner's peaceful possession over the land of Gata no.477, area 0.469 hectares situated in village-Nibahi, Tehsil-Chauri Chaura, District-Gorakhpur.

3. Learned Additional Chief Standing Counsel appearing for the State-respondents has raised an objection regarding maintainability of writ petition on the ground that 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 individuals.

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. With the aforesaid observations, the writ petition stands disposed of.

Order Date :- 1.11.2023

Manish Himwan