

Court No. - 47

Case :- WRIT - C No. - 38774 of 2023

Petitioner :- Rakesh Kumar

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Virendra Kumar Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam,J.

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

2. The present petition has been filed for following prayer:

"i). Issue a writ, order or direction in the nature of mandamus commanding and directing the District Magistrate, Allahabad to decide the representation of petitioner dated 29.01.2021 pending before him.

ii) Issue a writ order or direction in the nature of mandamus commanding and directing the respondents to remove the illegal construction over land bearing Gata No.535 recorded in revenue record as "Nali" and Gata No.536 recorded in the revenue record as "Chakroad" situated at Village-Tikri (Khairagarh), Tehsil-Meja, District-Allahabad."

3. Contention of the learned counsel for the petitioner is that the *chak mark* has been encroached by certain persons, which has not been removed by the respondent authorities.

4. Learned Standing Counsel has raised a preliminary objection that the petitioner has an alternative remedy of filing an application under Section 26 of U.P. Revenue Code, 2006. It has also been pointed out by learned Standing Counsel that the persons who are alleged to have encroached the *chak mark*, have not been made party in the present writ petition.

5. Since the petitioner has an alternative remedy, I am not inclined to interfere the instant petition.

6. Accordingly, the writ petition is disposed of with liberty to the petitioner to move an appropriate application under Section 26 of the U.P. Revenue Code, 2006.

Order Date :- 23.11.2023

Priya