

Court No. - 40

Case :- WRIT - C No. - 37958 of 2023

Petitioner :- Smt. Shakeela

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Umesh Prasad Singh

Counsel for Respondent :- CSC

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Shri Umesh Prasad Singh, learned counsel for the petitioner and Shri Devesh Vikram, learned Addl. Chief Standing Counsel for State respondents.

2. Present writ petition has been preferred for following reliefs:-

"(i) Issue a writ, order or direction in the nature of certiorari quashing the administrative order dated 14.12.2022 (Annexure No.6 to this writ petition) passed by respondent no.3/ Sub Divisional Magistrate, Tehsil Kheragarh, District Agra.

(ii) Issue a suitable writ order or direction in the nature of mandamus directing the respondent not to disturb the possession of the petitioner and her family members, as at present she is in actual physical possession over the house in dispute alongwith her family members."

3. On the matter being taken up today, learned Addl. Chief Standing Counsel, has placed the detailed instructions dated 11.12.2023 sent by the Sub Divisional Magistrate, Kheragarh, Agra, which is taken on record. On the basis of instructions, he submits that, under the present facts and circumstances, the order impugned dated 14.12.2022 is fully justified, in view of the Government Order dated 3.8.2022. He submits that by the Government Order dated 3.8.2022 the revenue/ police authorities were directed not to venture in private dispute unnecessarily. He submits that the land in question is minjumla, wherein nine persons are recorded tenure holders. Such disputed facts cannot be pressed in writ jurisdiction. The petitioner has remedy to press her relief either before revenue officials or before the competent civil court.

4. Considering the facts and circumstances of the case, we are not inclined to interfere in the matter. The petitioner can invoke common law remedy for redressal of her grievance and the order impugned would also not hamper the rights of the petitioner while invoking the common law remedy.

5. The writ petition stands **disposed of** accordingly.

Order Date :- 11.12.2023

SP/