

Court No. - 47

Case :- WRIT - C No. - 37818 of 2023

Petitioner :- Hemant Kumar

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Ram Bahadur Singh

Counsel for Respondent :- C.S.C.,Sunil Kumar Singh

Hon'ble Manish Kumar Nigam,J.

1. Heard learned counsel for the parties and perused the record.
2. The present petition has been filed with the following prayer:

"I. A writ order or direction in the nature of mandamus directing the respondent no.2 to 4 to remove the illegal encroachment made by respondent no.6 and 7 over the Pathway of the petitioner measuring the area 1.56 sq. meter bearing plot no.288 area 165 Sq. yard which is public way situated in Village and post Mirzapur, Police State Rabupura, District Gautam Buddh Nagar."

3. Learned Standing Counsel has raised a preliminary objection that the petitioner has an alternative remedy to approach appropriate authority by moving an application under Section 67 of the Uttar Pradesh Revenue Code, 2006 in view of the judgments passed by this Court in case of **Jahar Singh Vs. State of U.P.** reported in **2017(4) ADJ 619** and in **Public Interest Litigation (PIL) No.2117 of 2023 (Kanhaiya Lal Vs. State of U.P. and 14 others)**, decided on 27.9.2023.

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

5. In case, the petitioner moves an application under Section 67 of Uttar Pradesh Revenue Code, 2006, before appropriate authority, the same shall be decided after hearing all the concerned parties in accordance with law.

Order Date :- 9.11.2023

S. Singh