

Court No. - 47

Case :- WRIT - C No. - 37696 of 2023

Petitioner :- Devisharan And 2 Others

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

Counsel for Petitioner :- Dinesh Kumar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam, J.

1. Vakalatnama filed today by Shri Somesh Khare, Advocate on behalf of respondent No.3, is taken on record.

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

3. The instant writ petition has been filed seeking following relief :-

"Issue a writ order or direction in the nature of Mandamus directing the respondent no.2 to get measurement and restrain the respondent nos. 3 & 4 from making any unauthorized occupation over the land Gata No. 1493 area 0.3790 hectare situated at Village - Dhaulana, Pargana - Dasna, District Hapur which is recorded in revenue record in the name of petitioners."

4. Learned Standing Counsel has raised a preliminary objection that the remedy available to the petitioners is of filing an appropriate application u/s 24 of the U.P. Revenue Code, 2006 and rest of the relief claimed by the petitioner cannot be granted in this writ petition as that relates to a dispute with private respondents.

5. In view of the same, this Court is not inclined to interfere with the matter.

6. This writ petition stands disposed of with liberty to the petitioner to move an appropriate application u/s 24 of the U.P. Revenue Code, 2006 and in case such an application be filed, the same may be considered and decided by the respondents' authorities, in accordance with law, after providing an opportunity of hearing to all the parties concerned provided there is no other legal impediment.

Order Date :- 1.11.2023

Rishabh

[Manish Kumar Nigam, J.]