

**Court No. - 47**

**Case :-** WRIT - C No. - 37937 of 2023

**Petitioner :-** Tirathraj Singh

**Respondent :-** State Of U.P. And 4 Others

**Counsel for Petitioner :-** Tahir Ali, Sharafat Ali Siddiqui

**Counsel for Respondent :-** C.S.C, Azad Rai, Sanjay Kumar Om

**Hon'ble Manish Kumar Nigam, J.**

1. By order dated 03.11.2023 instructions were called. Today the instructions have been placed before this Court which are taken on record.

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

3. This writ petition has been filed for following relief:

*"1. Issue a writ order or direction in the nature of mandamus directing the respondent No. 2 to 4 to stop the work of Boring for Submersible Tube Well (Pani Tanki) on disputed side of land as Arazi No. 419 of the Recorded Land as Banjar in the Revenue Record of the Village.*

*2. Issue a writ, order or direction in the nature of mandamus directing the respondents No. 2 & 4 to consider and decide the application of the petitioner dated 26.09.2023 and pass appropriate order in accordance with law."*

4. Sri M. K. Tiwari, Advocate holding brief of Sri Azad Rai, learned counsel for the Gaon Sabha submitted that the petitioner has already filed a civil suit for the same relief before the civil court and had not disclosed this fact in the writ petition. It has also been pointed out by learned Standing Counsel that the boring of the petitioner is unauthorized and that too in Arazi No. 420 and not in Arazi No. 418.

5. In view of the facts that the petitioner has already filed a civil suit for the same relief, I am not inclined to interfere in the matter.

6. Accordingly, the writ petition is dismissed with liberty to the petitioner to pursue the his suit.

7. This order has been passed in the presence of Sri Akash Chand Maurya, Advocate holding brief of Sri Sanjay Kumar Om, learned counsel for respondent no. 4.

**Order Date :-** 24.11.2023

Ved Prakash

**(Manish Kumar Nigam, J.)**