

Court No. - 40

Case :- WRIT - C No. - 37965 of 2023

Petitioner :- Hari Singh

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Ravi Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Shri Ravi Pandey, learned counsel for the petitioner and Shri S.C. Upadhyay, learned Standing Counsel for the State respondents.

2. Present writ petition is preferred with the prayer to command the Sub Divisional Officer, Tehsil Kol, District Aligarh to consider and decide the claim as well as representation of petitioner dated 27.09.2023 for removal of illegal encroachment by other tenure holders after measurement and restoring/repairing boundary marks of the plot of petitioner, within stipulated period.

3. At the very outset, learned Standing Counsel raised a preliminary objection regarding the maintainability of the writ petition by submitting that U.P. Revenue Code 2006 is a self contained Act to ventilate the grievance of the petitioner. In case, the petitioner is alleging the other tenure holders encroaching upon the land in question without any demarcation, he may press the relief before appropriate forum, wherein, his grievance would be ventilated in accordance with law.

4. Considering the facts and circumstances, without advertng on the merit of the case, the writ petition is ***disposed of*** asking the petitioner to move an appropriate application in accordance with the provisions of U.P. Revenue Code 2006 within ten days from today, we hope and trust that the same would be considered strictly in accordance with law but certainly after providing audience to all the stake holders.

Order Date :- 3.11.2023

A. Pandey