

Court No. - 40

Case :- WRIT - C No. - 38907 of 2023

Petitioner :- Kamlesh Kumar Pandey

Respondent :- State Of U.P. And 12 Others

Counsel for Petitioner :- Shaurya Sharma, Saurabh Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner and learned standing counsel for the State-respondents.
2. In view of the order we propose to pass, no notice is required to be sent to the private respondent Nos.8 to 13.
3. Grievance of the petitioner is that private respondent Nos.8 to 13 are interfering in the peaceful possession of the petitioner and restraining him to raise construction over his own land.
4. The petitioner is seeking enforcement of common law rights for protection of his property. The impleadment of the State respondents is not for claiming any constitutional or statutory rights against the State. They have been impleaded for taking action, for protection of the property rights against the private individuals.
5. A writ petition for enforcement of the extraordinary remedies under Article 226 of the Constitution of India is not ordinarily maintainable for such reliefs against persons, who do not have any public duties to perform. The petitioner has adequate and efficacious alternative remedies of approaching the civil or revenue courts, at the first instance for seeking the remedies.
6. The writ petition is accordingly **disposed of**.

Order Date :- 12.12.2023

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