

Court No. - 47

Case :- WRIT - C No. - 38306 of 2023

Petitioner :- Smt.Islawati Devi @ Israwati Devi

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

Counsel for Petitioner :- Umesh Kumar Vishwakarma

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam,J.

1. Case called out in the revised list. None appears on behalf of the petitioner, however, learned Standing Counsel is present. Perused the record.

2. The present writ petition has been filed for a direction to respondent No.2 to decide the representation dated 3.12.2022 as well as 19.10.2023 situated at village Tarya Sujana, Tappa Haveli, Pargana Sidhua Jovna, Tehsil - Tamkuhiraj, District Kushinagar and to comply with the order dated 3.12.2022 passed by District Magistrate, Kushinagar.

3. Learned Standing Counsel has pointed out that from the representations, annexed along with this writ petition which are sought to be decided by means of this writ petition, it is clear that an interim injunction has been granted in favour of the petitioner in a suit and petitioner wants the compliance of aforesaid interim order.

4. It has been further contended by learned Standing Counsel that writ of mandamus cannot be issued as the writ petition is not maintainable for execution of the orders passed by the Civil or Revenue Court in view of the judgment passed by the Division Bench of this Court in **Manbhavati vs. State of U.P. and others; 2020 1 AWC 789A as well as in Writ C No. 7863 of 2018 (Brij Bhushan Rai v. State of U.P. and 6 others)**.

5. Accordingly, the writ petition is dismissed.

6. However, petitioner is at liberty to avail remedy, available to him, under the law.

Order Date :- 7.11.2023

Rishabh

[Manish Kumar Nigam, J.]