

Court No. - 51

Case :- WRIT - C No. - 38742 of 2023

Petitioner :- Usha Devi

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Sunil Kumar Patel

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai,J.

1. Heard Mr. Sunil Kumar Patel, Counsel for the petitioner and Mr. Rajesh Kumar Dwivedi, learned State Law Officer for the State-respondents.

2. The instant writ petition has been filed for following reliefs:-

"(i) Issue a writ order or direction in the nature of mandamus directing the respondent nos. 2 and 3 to restrain to the respondent nos. 4 to 7 in peaceful possession of the petitioner over the Gata No. 33 Rakba 0.2670 hectare situated at Village Kurpura, Pargana and Tehsil Bidhuna, District Auraiya without any right over the said property.

(ii) Issue a writ order or direction to the respondent no.3 to demarcate the Gata No. 33 Rakba 0.2670 hectare situated at Village Kurpura, Pargana and Tehsil Bidhuna, District Auraiya by which respondent nos. 4 to 7 could not interfere in peaceful possession of the petitioner."

3. Counsel for the petitioner submitted that petitioner is claiming right on the basis of registered sale deed but private respondent nos. 4 to 7 are interfering with the possession of the petitioner, as such, necessary direction be issued for restraining the private respondent nos. 4 to 7 from interfering in the possession of the petitioner as well as direct the authorities to demarcate the plot No. 33 area 0.2670 hectare.

4. Mr. Rajesh Kumar Dwivedi, learned State Law Officer for the State-respondents submitted that dispute is private in nature, as such, writ petition is not maintainable.

5. I have considered the arguments advanced by learned Counsel for the parties and perused the records.

6. In view of the argument advanced by learned Counsel for the petitioner as well as the averment made in the writ petition, the writ petition for the relief claimed cannot be entertained in exercise of jurisdiction under Article 226 of the Constitution of India. Writ petition is disposed of with liberty to petitioner to initiate proper proceeding for demarcation under Section 24 of the U.P. Revenue Code, 2006, in accordance with law.

Order Date :- 8.11.2023/C.Prakash