

Court No. - 51

Case :- WRIT - C No. - 38231 of 2023

Petitioner :- Umrao And 4 Others

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Kamlesh Kumar Yadav

Counsel for Respondent :- C.S.C, Bhupendra Kumar Tripathi, Subhash Singh Yadav

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Kamlesh Kumar Yadav, Counsel for the petitioners, Mr. Subhash Singh Yadav, learned Counsel for respondent no.6, Mr. Mridul Kumar, learned Standing Counsel for the State-respondents and Mr. Bhupendra Kumar Tripathi, Counsel for respondent no.5, Gaon Sabha.

2. The instant petition has been filed for mandamus directing the respondents to make a paimaise/ survey of the disputed plot of the Arazi Nos. 76 and 77 as well as direct the respondent authorities to take proper action against private respondent no.6 for encroaching the disputed land.

3. Counsel for the petitioners submitted that application filed by petitioners for demarcation has not been considered. He further submitted that private respondents are interfering with the possession of the petitioners, as such, respondents be directed to consider the petitioners' application for demarcation in accordance with law.

4. Mr. Subhash Singh Yadav, learned Counsel for respondent no.6 and Mr. Mridul Kumar, learned Standing Counsel for the State-respondents submitted that petitioners should file proper application for demarcation as provided under U.P. Revenue Code, 2006 rather miscellaneous application before the authority.

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

6. The provisions for demarcation has been provided under Section 24 of the U.P. Revenue Code, 2006 read with Rule 22 of the U.P. Revenue Code, Rules 2016, as such, petitioner should file proper application for

demarcation rather writ petition before this Court under Article 226 of the Constitution of India.

7. The instant petition is finally disposed of directing the petitioners to file proper application for demarcation under Section 24 of U.P. Revenue Code, 2006 read with Rule 22 of the U.P. Revenue Code, Rules 2016 within period of **three weeks** which shall be decided by the Sub Divisional Officer as provided under Section 24 (3) of the U.P. Revenue Code, 2006.

Order Date :- 17.11.2023

Vandana Y.