

Court No. - 51

Case :- WRIT - C No. - 38756 of 2023

Petitioner :- Ram Chandra And 3 Others

Respondent :- State Of U.P. And 17 Others

Counsel for Petitioner :- Achchhey Lal Tiwari, Anmol Ratan

Counsel for Respondent :- C.S.C., Krishna Kant Singh

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Achchhey Lal Tiwari, Counsel for the petitioner, Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents and Mr. Krishna Kant Singh, Counsel for respondent no. 18, Land Management Committee.

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

" (i) Issue a writ, order or direction in the nature of mandamus commanding/ directing the respondent authorities to comply the order dated 26.7.2017 passed by Sub Divisional Magistrate/ Assistant Collector, 1st Class, Sasni, Hathras in case No. 98/ 2014-15, Computer case No. T20151834021012 (Chandrapal Vs. Pramod Kumar and Others) by which the final decree has been passed in 12 kurras out of which kurra No. 1 is in the name of father of petitioners Chandrapal has been recorded in the extract of khatauni.

(ii) Issue a writ, order or direction in the nature of mandamus commanding/ directing the respondents authorities to decide and conclude the application dated 29.8.2019 filed by the father of petitioners as well as application dated 21.8.2023, 23.8.2023, 8.8.2023 and 10.8.2023 filed by the petitioners within stipulated period of time, as this Hon'ble Court deem fit and proper."

3. Counsel for the petitioners submitted that in spite of the final decree passed in the suit for partition, the possession has not been delivered to the petitioner. He submitted that petitioner approached the authorities for filing of the application which has been annexed along with the writ petition but no steps has been taken by the authorities hence this writ petition.

4. Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents submitted that petitioner can initiate proper proceeding for the execution of the decree passed in the suit for partition rather misc. application before authorities or writ for mandamus under Article 226 of the Constitution of India before this Court.

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

6. There is no dispute about the fact that final decree has been passed in the suit for partition between the parties.

7. For the implementation of the decree, petitioner can initiate proper proceeding for execution rather writ of mandamus under Article 226 of the Constitution of India for directing the authorities to consider the applications filed by petitioner.

8. Writ petition is **dismissed** with liberty to petitioner to initiate proper proceeding in accordance with law.

Order Date :- 29.11.2023

Vandana Y.