

Court No. - 47

Case :- WRIT - C No. - 38735 of 2023

Petitioner :- Mahendra Kumar

Respondent :- State Of U.P. And 11 Others

Counsel for Petitioner :- Pradeep Kumar Rai, Prajyot Rai

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

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the parties and perused the record.

2. The present petition has been filed for the following relief:

"i) issue a writ, order or direction in the nature of mandamus directing the respondent authorities to comply with the order passed by Sub-Divisional Officer/ Deputy Collector, Katehar, Varanasi dated 24.06.2023 and also direct the respondents to install stone uprooted by the contesting respondents.

ii) issue a writ, order or direction in the nature of mandamus commanding the respondents to ensure that the respondent IIIrd set does not create any further hindrance over the plot in question.

iii) issue a writ, order or direction in the nature of mandamus commanding the respondents to decide the application of the petitioner dated 24.08.2023 and lastly representation dated 04.10.2023."

3. Contention of learned counsel for the petitioner is that after installation of boundary marks, respondent no. 3 has removed the boundary marks.

4. Learned Standing Counsel has raised preliminary objection that the petitioner has remedy of filing an application under Section 23 of U.P. Revenue Code, 2006.

5. In view of the same, I am not inclined to interfere in the matter.

6. The writ petition is **disposed of** with direction to the petitioner to move an appropriate application under Section 23 of U.P. Revenue Code, 2006 and in case, such an application is moved, the same may be considered and decided expeditiously in accordance

with law after providing opportunity of hearing to all concerned parties, provided there is no other legal impediment.

Order Date :- 8.11.2023

Nitika Sri.

(Manish Kumar Nigam, J.)