

Court No. - 47

Case :- WRIT - C No. - 40104 of 2023

Petitioner :- Phagu Alias Nanaku

Respondent :- State Of U.P. And 13 Others

Counsel for Petitioner :- Vidya Dhar Yadav

Counsel for Respondent :- C.S.C.,Azad Rai

Hon'ble Manish Kumar Nigam,J.

1. Heard learned counsel for the parties and perused the record.
2. The present petition has been filed with the following prayer:

"I. Issue a writ, order or direction in the nature of mandamus directing the respondent no. 3, 4 and their subordinate employees, to comply with the judgment/order and final decree dated 29.11.2019 and 14.2.2022 passed in revenue case no. 200/338 of 2015 bearing computerized No. T201802030801412 under section 176 U.P. Zamindari Abolition and Land Reforms Act, 1950 Phagu @ Nanaku Vs. Ram Chandra and 8 others before the Court of Sub Divisional Officer, Meja, Allahabad relating to plots situated in village Gunai Gaharpur, Tappa 84, Tehsil Meja, District Allahabad for partition of the plots mentioned in plaint of abovementioned case, on the spot with help of police force on the expense of petitioner."

3. Learned Standing Counsel has raised a preliminary objection that in the garb of the writ petition, the petitioner wants to get the orders passed by the revenue court in proceedings under Section 176 of U.P. Zamindari Abolition and Land Reforms Act, 1950 executed by this Court. In view of the judgment passed by this Court in **Manbhavati Vs. State of U.P. and others** reported in **2020 1 AWC 789A** and **Writ C No. 7863 of 2018 (Brij Bhushan Rai v. State of U.P. and 6 others)**, writ cannot be issued for execution of orders passed by revenue courts. It is further contended by learned Standing Counsel that the petitioner has alternative remedy of filing an execution application as the provisions of Civil Procedure Code are applicable to proceedings under Section 176 of U.P. Zamindari Abolition and Land Reforms Act, 1950.

4. Since the petitioner has an alternative remedy, I am not inclined to entertain the instant petition.

5. In view of the above, the writ petition is dismissed with liberty to the petitioner to avail the remedy as available to him under law.

Order Date :- 30.11.2023

Ved Prakash