

Court No. - 47

Case :- WRIT - C No. - 38724 of 2023

Petitioner :- Sanjay

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Sufiya Bano, Mohd Akhtar

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

Hon'ble Manish Kumar Nigam, J.

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

2. The instant petition has been filed seeking following relief :-

"i) Issue a writ, order or direction in the nature of certiorari for quashing the order dated 10.8.2023 passed by respondent no.2 in Case No.979 of 2014 (Sukhari vs. Shiv Prasad), under section 176 of U.P.Z.A. & L.R. Act, 1950 (contained as Annexure no.10 to this writ petition).

ii) Issue a writ, order or direction in the nature of mandamus directing the respondent no.2 not to proceed in pursuance of the order dated 10.8.2023 and the respondents may further be directed not to interfere in the peaceful possession of the petitioner on their share."

3. Learned Standing Counsel has raised a preliminary objection that against the order passed in proceedings u/s 176 of the U.P.Z.A. & L.R. Act, 1950, the appeal is maintainable and, as such, the writ petition may not be entertained because of availability of alternative remedy under the Statute.

4. In view of the same, this Court is not inclined to interfere with the matter.

5. Accordingly, this writ petition is **dismissed** with liberty to the petitioner to avail alternative remedy, available to him, under the law.

Order Date :- 8.11.2023

Rishabh

[Manish Kumar Nigam, J.]