

Court No. - 47

Case :- WRIT - C No. - 38412 of 2023

Petitioner :- Shyam Sunder Singh

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

Counsel for Petitioner :- Prakash Chandra Shukla, Ramendra Shukla

Counsel for Respondent :- C.S.C., Sudhir Bharti

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the parties 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 to quash the judgment and order dated 19.10.2020 passed by Upziladhikari Kasya, Kushinagar in Case No.05162/2019, Computer Case No.T201905440405162, Lekhpal Report vs. Gaon Sabha (Annexure No.4 to the writ petition).

ii) Issue a writ, order or direction in the nature of Certiorari to quash the judgment and order dated 11.08.2023 passed by Sri Anuj Malik Additional Commissioner (Judicial) IIIrd, Gorakhpur Mandal, Gorakhpur in Appeal No. 01267/2020 Computer No.C202005000001267, Shyam Sunder Singh vs. Upziladhikari, Kasya District Kushinagar and another (Annexure No.6 to the writ petition).

iii) Issue a writ, order or direction in the nature of Mandamus directing the respondents not to evict, dispossess and demolish the house of petitioner from the disputed land gata no. 169 area 0.243 hectare in which the petitioner is in possession of 10 decimal area and house is constructed; so that justice may be done."

3. A preliminary objection has been raised by learned Standing Counsel that against the appellate order dated 11.8.2023 passed in proceedings u/s 38 of the U.P. Revenue Code, 2006, petitioner has an alternative remedy of filing an appeal in view of Section 38(4) of the U.P. Revenue Code, 2006.

4. In view of the same, this Court is not inclined to interfere with the matter. However, petitioner is at liberty to avail alternative remedy as provided to him under the law.

5. With these observations, the writ petition stands **disposed of**.

Order Date :- 7.11.2023

Rishabh

[Manish Kumar Nigam, J.]