

Court No. - 47

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2597 of 2023

Petitioner :- Om Prakash Pathak

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Raju Singh, Rajesh Yadav, Sandeep Kumar Yadav

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 present petition has been filed with the following prayer :-

"Issue a writ, order or direction in the nature of Mandamus directing the respondent no.2 to remove the illegal encroachment made by encroachers over the Gata No.427 Ka area about 0.1420 hectare recorded as 'Navin Parti' in the revenue record situated at Village Parsaunikala, Post Padrauna, District Kushinagar."

3. Learned Standing Counsel has raised a preliminary objection that petitioner has an alternative remedy to approach appropriate authority by moving an application under Section 67 of the Uttar Pradesh Revenue Code, 2006 in view of the judgments passed by this Court in **Jahar Singh v. State of U.P. reported in 2017(4) ADJ 619 and in Public Interest Litigation (PIL) No.2117 of 2023 (Kanhaiya Lal vs. State of U.P. and 14 others), decided on 27.9.2023.**

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** accordingly,

6. In case, petitioner moves an application under Section 67 of Uttar Pradesh Revenue Code, 2006, before appropriate authority, the same shall be decided after hearing all the concerned parties in accordance with law.

Order Date :- 21.11.2023

Rishabh

[Manish Kumar Nigam, J.]