

Court No. - 47

Case :- WRIT - C No. - 38924 of 2023

Petitioner :- Manoj Kumar

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

Counsel for Petitioner :- Dinesh Prasad

Counsel for Respondent :- C.S.C.,Pradeep Singh

Hon'ble Manish Kumar Nigam,J.

1. Mr. Suresh Raj, S.D.M. Dudhi, Sonebhadra and Mr. Gaurav, Assitant Engineer, (KCD-1), Kanhar Construction Division First, Pipari, Sonebhadra have appeared in pursuance of order passed by this Court on 08.11.2023.

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

3. The present petition has been filed with the following prayer:

"i. Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 28.06.2023 passed by Up Ziladhikari Dudhi, district - Sonebhadra (respondent no. 2) in Suit no. 00967/2019 in computerized suit no. T201916660200967 Manoj Kumar Vs Gram Panchayat under section 24 of Uttar Pradesh Revenue Code, 2006, regarding Arajhi No. 2181, 2186 ka, 2264 kha, 2187 situated in Gram Harnakachhar, Pargana & Tehsil-Dudhi, Sonebhadra. (Annexure No. 11 to this writ petition).

ii. Issue a writ order or direction in the nature of mandamus commanding the respondents not to dispossess the petitioners over the Arajhi No. 2181, 2186 ka, 2264 kha, 2187 situated in Gram Harnakachhar, Pargana & Tehsil-Dudhi, Sonebhadra pursuant to the impugned orders."

4. Learned Standing Counsel has raised a preliminary objection that the petitioner has an alternative remedy of filing appeal.

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

6. However, in case, the petitioner files an appeal, before appropriate authority, the same shall be decided after hearing all the concerned parties in accordance with law, expeditiously, preferably within a period of three months from the date of production of a certified copy of this order after giving opportunity

of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties provided that there is no other legal impediment.

7. With the aforesaid observation, the petition is disposed of.

Order Date :- 20.11.2023

Ved Prakash

(Manish Kumar Nigam, J.)