

Court No. - 32

Case :- WRIT - C No. - 39357 of 2023

Petitioner :- Raghavendra Yadav

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

Counsel for Petitioner :- Rajeev Ranjan Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Salil Kumar Rai,J.

Hon'ble Surendra Singh-I,J.

The present petition has been filed praying for following relief :-

"(I) Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 2 and 3 to get the drain cleared after getting conducted proper inquiry from the impartial official and remove the encroachment made by the private respondent blocking the passage of drain water belonging to the petitioner.

(II) Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 to take final decision in the representation of the petitioner which is pending before him since 21.3.2023."

The grievance of the petitioner is that respondent No. 5 has encroached over the drainage in which the waste water from the house of the petitioner flows out. It has been stated in the petition that the reports submitted by the revenue authorities that there is no drainage at the place claimed by the petitioner are incorrect.

The present petition involves disputed question of fact.

The petitioner has the remedy to either file civil suit or institute appropriate proceedings under Section 133 Cr.P.C.

In view of the availability of alternative remedy, it is not a fit case for consideration by this Court under Article 226 of the Constitution of India.

The petition is ***dismissed***.

Order Date :- 16.11.2023

Anurag/-