

Court No. - 52

Case :- WRIT - C No. - 38977 of 2023

Petitioner :- Munazir

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

Counsel for Petitioner :- Chandrakesh Mishra, Abhishek Kumar Mishra, Sr. Advocate

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Srivastava, J.

1. Heard Sri D.S. Mishra, learned Senior Advocate assisted by Sri Chandrakesh Mishra, learned counsel for petitioner and Sri Vijay Pratap Singh, learned Additional Chief Standing Counsel for the State-respondent nos.1 to 4.

2. Learned counsel for petitioner confined his prayer only to the extent for seeking order and direction in the nature of mandamus commanding respondent no.4 for considering the several representations pending for his consideration preferred by petitioner for providing way from his house to road and as such, procedure for issuing notice to respondent no.5 is dispensed with and the matter is now being disposed of at the admission stage.

3. Learned Senior Advocate sought the attention of the Court over the revenue map appended along with petition through which it has been transpired that house of petitioner is situated over plot no.112 which is recorded as abadi in the revenue records and by bare perusal of the same, it is crystal clear that there is hardly any pathway available from plot no.112, either to plot no.101 or plot no.135 which are recorded and mentioned in the revenue records as well as in the map as pathway for public convenience.

4. Although several representations have been made on behalf of petitioner, but no specific application has been moved under Section 25 of U.P. Revenue Code, 2006 till today. The grievance which has been mentioned in the petition, is squarely covered under the provisions of Section 25 of U.P. Revenue Code, 2006 and as such, petitioner is hereby directed to proceed in shape of institution of specific application under Section 25 of U.P. Revenue Code, 2006 before respondent no.4 and the same shall be decided by way of affording proper opportunity of hearing to all concerned and without disturbing the easementary rights pertains

to other plot holders.

5. The abovementioned exercise shall be finalized by respondent no.4 as expeditiously as possible, preferably within a period of three months from the date of production of a certified copy of this order along with said application before respondent no.4.

6. The instant petition is **disposed of** accordingly.

Order Date :- 16.12.2023

Vivek Kr.