

Court No. - 51

Case :- WRIT - C No. - 39150 of 2023

Petitioner :- Phool Singh

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

Counsel for Petitioner :- Deepak Kumar Srivastava

Counsel for Respondent :- C.S.C.,Azad Rai

Hon'ble Chandra Kumar Rai,J.

1. The instant writ petition has been filed for the following reliefs:-

"i) Issue a writ order or direction in the nature of mandamus direct to the respondents restrain the construction over the Gata no.278, situated Village Panchayat Bhagautipur, Pargana- Nawabgnaj, Tehsil-Soraon, Prayagraj.

ii) Issue a writ order or direction in the nature of mandamus decide the matter and all representation dated 07.07.2023 is pending before the respondent no.2 and 3 till date.

iii) Issue any suitable writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case to meet the end of justice.

iv) To award the cost of the petition in favour of the petitioner."

2. The perusal of the averments made in the writ petition as well as in the representation dated 7.7.2023, which is annexed as Annexure No.2 to the writ petition, it reveals that there is private dispute between the petitioner and private respondent no.5.

3. The prayer made in the writ petition as well as in the representation cannot be granted in exercise of jurisdiction under Article 226 of the Constitution of India.

4. The writ petition is misconceived and is, accordingly, dismissed.

5. Sri Azad Rai, learned counsel for the respondent-gaon sabha and Sri Abhishek Shukla, learned Addl. C.S.C. for the state-respondents are present.

Order Date :- 6.12.2023

C.Prakash