

Court No. - 32

Case :- WRIT - C No. - 39787 of 2023

Petitioner :- Smt. Sumaina Dwivedi

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Avinash Singh Chauhan, Virendra Singh Chauhan

Counsel for Respondent :- CSC

Hon'ble Salil Kumar Rai, J.

Hon'ble Surendra Singh-I, J.

Heard the counsel for the petitioner.

The present petition has been filed claiming that respondent no. 4 has illegally grabbed the house of the petitioner. On the aforesaid pleadings, the petitioner prays for the following reliefs : -

"(i) Issue a writ, order or direction in the nature of Mandamus directing the Respondent No. 2 (District Magistrate, District Banda) to constitute committee for conducting an enquiry to forthwith vacant the House No. 125/5609 situated at Shastri Nagar Tehsil Atarra, District Banda from illegal House grabbing done by the respondent No. 4 within time as fixed by this Hon'ble Court.

(ii) Issue a writ, order or direction in the nature of Mandamus directing the Respondent No. 2 to restrain the Private respondent No. 4 from grabbing the House No. 125/5609 Shastri Nagar Atarra District Banda and further consider the application dated 11.09.2023 moved by the petitioner."

The dispute between the petitioner and respondent no. 4 are private dispute and does not raise any question of public law. The issues raised in the present petition involve disputed questions of fact regarding title and possession which can be decided only on evidence and, therefore, it is not a fit case for consideration by this Court under Article 226 of the Constitution of India and the prayer for grant of mandamus is, hereby, rejected.

The petitioner may exercise any other remedy available to her in law.

With the aforesaid observation, the writ petition is ***disposed of***.

Order Date :- 20.11.2023

Satyam