

Court No. - 47

Case :- WRIT - C No. - 39665 of 2023

Petitioner :- Dinesh Kumar

Respondent :- State Of U.P. And 23 Others

Counsel for Petitioner :- Ramesh Kumar Panday

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam, J.

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

2. The present writ petition has been filed for following relief:

"i. issue a writ, order or direction in the nature of Mandamus directing the Respondent No. 2&3 to take appropriate action upon the application of the Petitioner dated 16.08.2023 within some stipulated period (Annexure No. 5 & 6 to the writ petition)."

3. Contention of learned counsel for the petitioner is that despite interim order granted in proceedings under Section 116 of U.P. Revenue Code, 2006, the respondents are violating the same and in this regard the petitioner has given application for compliance of the order.

4. Learned Standing Counsel has raised a preliminary objection that provisions of C.P.C. are applicable to proceedings under Section 116 of U.P. Revenue Code, 2006 and the petitioner has an alternative remedy of filing an application under Order 39 Rule 2A of the C.P.C.

5. In view of the above, I am not inclined to interfere in the matter.

6. Accordingly, the writ petition is **dismissed** with liberty to the petitioner to avail the remedy as available to him under the law.

Order Date :- 24.11.2023

Nitika Sri.

(Manish Kumar Nigam, J.)