

Court No. - 47

Case :- WRIT - C No. - 40099 of 2023

Petitioner :- Shri Prakash Srivastava And Another

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Anand Prakash Yadav, Krishna Nand Yadav

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 instant petition has been filed seeking following relief :-

"i) issue a writ order or direction in the nature of mandamus directing the respondent no.3/Tehsildar, Sadar, District Maharajganj to decide the Mutation Case No.T020100547113 Under Section 34 L.R. Act, after the disposal of 6-C2 application in Civil Suit No. 06 of 2010 (Shri Prakash Srivastava Versus Devendra Kumar Srivastava and others) pending before Civil Judge (Senior Division) Maharajganj.

ii) issue a writ, order or direction in the nature of mandamus directing the respondents not to interfere in the peaceful possession of the petitioner during pendency of Civil Suit No. 06 of 2010 before Civil Judge (Senior Division) Maharajganj."

3. Contention of learned counsel for the petitioners is that proceedings of mutation case be decided after disposal of the application for interim injunction in the suit.

4. Learned Standing Counsel has raised a preliminary objection that both the proceedings are independent and, therefore, no relief can be granted to the petitioners in the writ petition.

5. In view of the same, this Court is not inclined to interfere in the matter.

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

Order Date :- 30.11.2023

Rishabh

[Manish Kumar Nigam, J.]