

Court No. - 21

Case :- WRIT - C No. - 40193 of 2023

Petitioner :- Munna Lal Patel

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Dinesh Kumar Singh

Counsel for Respondent :- C.S.C., Praveen Kumar Giri

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. The instant petition has been filed praying for a writ of mandamus restraining respondent no. 2 from interfering in the peaceful possession of the petitioner over Arazi No. 137/2, measuring 0.091 hectare, situated at Bajardeeha, Tehsil Sadar, District Varanasi.
2. The case of the petitioner is that he is bhumidhar of the aforesaid land and the respondents are digging earth from it without any authority of law.
3. It appears from the record that Arazi No. 137/1 is recorded in name of Awas Vikas Parishad and Government of U.P. while Arazi No. 137/2 is recorded in name of the petitioner and other persons. There is no actual partition and these are *minjumla* numbers and there is serious dispute between the parties in respect of identity and demarcation.
4. As disputed questions of facts are involved, therefore, we decline to examine the issues in exercise of writ jurisdiction. We leave it open to the petitioner to get his land demarcated or institute civil suit or take such other remedy as may be advised.
5. The petition is disposed of accordingly.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 30.11.2023

Jaideep/-