

Court No. - 47

Case :- WRIT - C No. - 40516 of 2023

Petitioner :- Ram Kishore

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

Counsel for Petitioner :- Amit Kumar Mishra, Nagendra Kumar Mishra

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 the following relief:

"I. issue a writ, order or direction in the nature of certiorari quashing the entire proceeding of Suit No.132 of 2023, Computerized Case No.T202307110301464, under Section 116 of UP Revenue Code, 2006 pending in the Court of respondent No.2.

II. issue a writ, order or direction in the nature of mandamus staying the further proceeding of the Suit No.132 of 2023, Computerized Case No.T202307110301464, under Section 116 of UP Revenue Code, 2006 pending in the Court of respondent No.2."

3. Contention of learned Counsel for the petitioner is that suit filed by the plaintiff-respondent is not maintainable and therefore, entire proceedings of the suit may be quashed.

4. Contention made by the learned counsel for the petitioner is wholly misconceived, the petitioner being defendant in the suit has a remedy of filing the application under Order 7 Rule 11 CPC.

5. In view of the same, I am not inclined to interfere the writ petition.

6. The present petition stands dismissed with liberty to the petitioner avail the remedy as available to him under the law.

Order Date :- 24.11.2023

Priya