

Court No. - 47

Case :- WRIT - C No. - 40636 of 2023

Petitioner :- Prakash Chandra And Another

Respondent :- State Of U.P. And 10 Others

Counsel for Petitioner :- Chinta Mani

Counsel for Respondent :- CSC, Pankaj Kumar Gupta

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard Sri Chinta Mani, learned counsel for the petitioners and Sri Anand Bhaskar Srivastava, learned Standing Counsel for the State.

2. Present writ petition has been filed seeking following reliefs:

"I Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents authorities to remove the illegal encroachment over the petitioners's land area 4x4 kaththa situated at Village Siswari Mugal Tappa Banskore Pargana Basti Purab police station and Tehsil Rudhauri District Basti, within stipulated period fixed by this Hon'ble Court.

II Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents authorities to demolish the illegal encroachment over the petitioners's land area 4x4 kaththa situated at Village Siswari Mugal Tappa Banskore Pargana Basti Purab police station and Tehsil Rudhauri District Basti, within stipulated period fixed by this Hon'ble Court.

III Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent; authorities/ District Magistrate Basti to consider and decide the application representation made by the petitioners dated 25.04.2022 & 13.06.2022, 30.04.2022, 26.05.2020, 31.03.2022 pending before the respondent no. 2, 3 & 4 within a prescribed period as Court fixed by this Hon'ble"

3. From the perusal of the prayer in connection with the submission of the counsel for the petitioners, it is clear that the petitioners seek for a remedy against another bhumidhar who has allegedly encroached the land. For this purpose, there is specific remedy under Section 134 of U.P. Revenue Code, 2006 which provides filing of suit for ejectment of any other bhumidhar or assami, who illegally encroached the land of any bhumidhar. Therefore, the petitioners have remedy to initiate appropriate proceedings under Section 134 of U.P. Revenue Code, 2006.

4. In view of the above, no relief can be granted to the petitioners.

5. The present petition is **dismissed** with aforesaid observations.

Order Date :- 28.11.2023

Nitika Sri.