

Court No. - 47

Case :- WRIT - C No. - 40561 of 2023

Petitioner :- Phulwasi Devi

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

Counsel for Petitioner :- Rituvendra Singh Nagvanshi

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 mandamus commanding and directing the Sub Divisional Officer, Tehsil Padrauna, District Kushinagar to implement the final decree dated 12.01.2023 passed in Case No.5374 of 2022 Computerized No.T202205440105374 under Section 116 of the UP Revenue Code, 2006 within stipulated period."

3. A preliminary objection has been raised by learned Standing Counsel for the State that the writ petition is not maintainable for execution of the orders passed by the Revenue Court in view of the judgment of Division Bench of this Court in case of **Manbhavati Vs. State of U.P. and others** reported in **2020 1 AWC 789A** and **Writ C No. 7863 of 2018 (Brij Bhushan Rai v. State of U.P. and 6 others)**. It has also been contended by learned Standing Counsel that petitioner can move an execution application as the provision of CPC are applicable and therefore, he has an alternative remedy also.

4. In view of the same, I am not inclined to interfere in the matter.

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

Order Date :- 24.11.2023

Priya