

Court No. - 47

Case :- WRIT - C No. - 40595 of 2023

Petitioner :- Dharam Raj Yadav And 2 Others

Respondent :- State Of U.P. And 11 Others

Counsel for Petitioner :- Gauri Shankar Yadav

Counsel for Respondent :- C.S.C.,Rameshwar Prasad Shukla

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the parties and perused the record.

2. This writ petition has been filed for following relief:

"I- Issue a writ order or direction in the nature of mandamus commanding and directing the respondents not to construct the road over the Arazi no. 59, 77, 261 and 306 situated in village Sardana, Post-Madhasiya, Police Station-Tahbarpur, Tehsil-Nizamabad, District-Azamgarh belongs to the present petitioners numbered as 79/5 recorded as chakmarg.

II- Issue a writ order or direction in the nature of mandamus directing the respondents not to disturb the peaceful possession of the petitioners over the land in question till disposal of the representation by the Sub-Divisional Magistrate/respondent no. 3."

3. Learned Standing Counsel raised a preliminary objection that the petitioner has earlier approached this Court by means of Writ C No. 21795 of 2022 which has been disposed of by order dated 02.08.2022 and the relief claimed in the present writ petition is also same.

4. In view of the Rule 7 of Chapter XXII of the Rules of the Court, second writ petition on the same facts is not maintainable.

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

Order Date :- 4.12.2023

Ved Prakash

(Manish Kumar Nigam, J.)