

Court No. - 32

Case :- WRIT - C No. - 40806 of 2023

Petitioner :- Devi Dayal

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Rajneesh Kumar Srivastava, Abhijeet Kumar Pandey, Smt. Priyanka Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Salil Kumar Rai, J.

Hon'ble Syed Aftab Husain Rizvi, J.

Heard the counsel for the petitioner.

The grievance of the petitioner in the present petition is that respondent nos. 5 and 6 have encroached over the pathway adjacent to Plot Nos. 132, 129, 128, 127 and 126.

The issue in the present petition involves disputed questions of fact which can only be decided on evidence.

In case, the petitioner claims the pathway to be a public way, he may file an appropriate application before the Executive Magistrate under Section 133 of the Code of Criminal Procedure, 1973 or under Section 27 of the Uttar Pradesh Revenue Code, 2006 or may also institute appropriate proceedings before the civil court.

It is not a fit case for consideration by this Court under Article 226 of the Constitution of India. The writ petition is ***dismissed***.

Order Date :- 11.12.2023

Satyam