

Court No. - 47

Case :- WRIT - C No. - 41164 of 2023

Petitioner :- Kauleshwar

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

Counsel for Petitioner :- Ajit Singh

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Manish Kumar Nigam, J.

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

2. The instant petition has been filed seeking following relief :-

"Issue a writ, order or direction in the nature of certiorari to quash the impugned order dated 13.09.2023 passed by the Sub-Divisional Magistrate, Machchalisahar District Jaunpur whereby the representation of the petitioner dated 06.06.2023 has been disposed of and a direction has been given to the petitioner to do pairvi in the Civil Suit no. 284 of 2015 pending in Civil Court District Jaunpur and claim his benefit, by not complying with the order of this Hon'ble Court dated 09.02.2021 passed in Civil Misc. Writ Petition No.1986 of 2021 (Kauleshwar Versus State of U.P. and others) as well as by completely ignoring the entire evidence on record, a copy whereof is contained in Annexure-1 to the writ petition."

3. It has been contended by learned counsel for the petitioner that there is a serious disputed question of facts as to the construction of khadanja.

4. Learned Standing Counsel has raised a preliminary objection and submits that U.P. Revenue Code, is a complete code and in view of the judgment of this Court passed in **Public Interest Litigation (PIL) No.2117 of 2023 (Kanhaiya Lal vs. State of U.P. and 14 others)**, decided on **27.9.2023**, petitioner can avail the remedy provided under the U.P. Revenue Code, 2006.

5. In view of the same, this Court is not inclined to interfere in the matter.

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

Order Date :- 30.11.2023

Rishabh

[Manish Kumar Nigam, J.]