

Court No. - 47

Case :- WRIT - C No. - 40953 of 2023

Petitioner :- Aftab Ahmad Siddiqui

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Mithlesh Kumar

Counsel for Respondent :- C.S.C.,Azad Rai

Hon'ble Manish Kumar Nigam, J.

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

2. The present petition has been filed with the following prayer:

"(i). Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 to 4 to remove the construction raised by the Respondent no. 6 to 8 over the Arazi No. 22 area 0.214 Hect. Recorded as Khalihan in revenue records, situated at Village-Ahmadpur Puraini Alias Nauwapur, Post-Saiyad Sarawan, Pargana and Tehsil-Chail, District-Kaushambi.

(ii) issue a writ, order or direction in the nature of mandamus directing the Respondent No. 2 to take action and decide the Representation dated 03.10.2023 of the Petitioner within stipulated period fixed by this Hon'ble Court."

3. Learned Standing Counsel has raised a preliminary objection that the petitioner has an alternative remedy to approach appropriate authority by moving an application under Section 67 of the Uttar Pradesh Revenue Code, 2006 in view of the judgment passed by this Court in ***Jahar Singh v. State of U.P. reported in 2017(4) ADJ 619*** as well as in **Public Interest Litigation No. 2117 of 2023 (Kanhaiya Lal v. State of U.P. and 14 others.**

4. Since the petitioner has an alternative remedy, I am not inclined to entertain the instant petition.

5. In case, the petitioner moves an application under Section 67 of Uttar Pradesh Revenue Code, 2006, before appropriate authority, the same shall be decided after hearing all the concerned parties in accordance with law.

6. With the aforesaid observation, the petition is disposed of.

Order Date :- 5.12.2023

Ved Prakash

(Manish Kumar Nigam, J.)