

Court No. - 48

Case :- WRIT - B No. - 3950 of 2023

Petitioner :- Subedar Sahani

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

Counsel for Petitioner :- Rajesh Yadav

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

Hon'ble Saurabh Shyam Shamshery,J.

1. Heard Sri Rajesh Yadav, learned counsel for the petitioner.
2. Petitioner has approached this Court directly challenging the order passed by Consolidation Officer. Paragraph No.37 of writ petition where ground to approach this Court at the first instance is mentioned is reproduced hereinafter:

"37- That although the petitioner has remedy to prefer appeal against the order, but as the authorities are not ready to hear the petitioner at once, and the Crop of Sugarcane of petitioner is standing over the land and the Village Pradhan is trying to Grab the crop of the petitioner by using force and in this respect the petitioner has no other alternative speedy and efficacious remedy except to approach before this Hon'ble Court under its Extraordinary writ Jurisdiction under Article 226 of Constitution of India on the following amongst other grounds inter-alia;-".
3. Learned counsel for the petitioner fairly submitted that an appeal was filed however, since there was an apprehension that it may not be listed at an early date, it was withdrawn, but same is not part of record.
4. In the aforesaid circumstances, considering that apprehension is not based on substantial ground, therefore, this Court is not exercising its writ jurisdiction.
5. This writ petition is disposed of with liberty to the petitioner to file an appeal along with prayer for interim relief and the Appellate Authority will consider the same expeditiously.

Order Date :- 29.11.2023

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