

Court No. - 47

Case :- WRIT - C No. - 41278 of 2023

Petitioner :- Shobhnath And 3 Others

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

Counsel for Petitioner :- Shivasare

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. The present petition has been filed for the following reliefs:

"a). issue a Writ, Order or direction in the nature of certiorari quashing the impugned order dated 26.02.2018 passed by Respondent no. 3 and impugned order dated 30.06.2006 passed by respondent no. 4.

b) issue a Writ, Order or direction in the nature of mandamus commanding and Respondents not to dispossess the petitioners from the land in dispute."

3. Contention of learned counsel for the petitioners is that by order dated 30.06.2006, decree passed in favour of the father of the petitioners was set aside by the respondent no. 3 in proceedings under Section 229 B of U.P.Z.A.&L.R. Act. Against the aforesaid order, an appeal was filed by the petitioners and the same has also been dismissed by order dated 26.02.2018.

4. A preliminary objection has been raised by learned Standing Counsel that against the orders impugned, the petitioners have a statutory remedy of filing second appeal before the Board of Revenue and further that the orders impugned are challenged after a delay of five years.

5. Learned counsel appearing for the petitioners stated that he has explained the laches from paragraph No. 25 onwards of the writ petition. However, he could not deny the fact that the second appeal is maintainable against the orders impugned.

6. In view of the same, I am not inclined to interfere in the matter.

7. The writ petition is **dismissed** with liberty to the petitioners to avail the alternative remedy as available to them under law.

8. Office is directed to return certified copy of the orders to the learned counsel for the petitioners after retaining photostat copy of the same on record.

Order Date :- 30.11.2023

Nitika Sri.

(Manish Kumar Nigam, J.)