

Court No. - 47

Case :- WRIT - C No. - 41280 of 2023

Petitioner :- Sandeep Kumar

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

Counsel for Petitioner :- Harishchandra Dubey

Counsel for Respondent :- C.S.C.

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 :-

"i) ISSUE, a writ order or direction in the nature of suitable mandamus commanding the respondent authorities to decide the application dated 20.5.2023 and get the chakroad encroachment free and restore to its original condition in area of 0.250 Hectare in village Hakimpur, Shankarganj, Pargana and Tehsil Dhampur, District Bijnor.

ii) ISSUE, a writ order or direction of suitable nature commanding the respondents not to make any hindrance in the peaceful possession of the agricultural land."

3. Contention of learned counsel for the petitioner is that chakroad has been encroached upon by the certain persons which required to be removed despite applications have been moved, no action has been taken.

4. Learned Standing Counsel has raised a preliminary objection that petitioner has a remedy of filing an application u/s 26 of the U.P. Revenue Code, 2006.

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

6. Accordingly, the writ petition stands **disposed of** with a direction that in case petitioner moves an appropriate application u/s 26 of the U.P. Revenue Code, 2006, the same will be considered and decided, in accordance with law, expeditiously, by the authorities concerned after providing opportunity of hearing to all the concerned parties provided there is no other legal impediment.

Order Date :- 30.11.2023

Rishabh

[Manish Kumar Nigam, J.]