

Court No. - 47

Case :- WRIT - C No. - 41189 of 2023

Petitioner :- Moobeen Ahmad

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Seraj Ahmad

Counsel for Respondent :- CSC, 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/direction in the nature of mandamus commanding/ directing the respondent no. 2 to remove encroachment (unauthorized occupation) over Gata No. 584 of area 0.02170 hectare is recorded in revenue record as public utility land (SADAK) situated at Village Gauharpur, Taluka Masadi, Pargana Mah, Tehsil Handiya, District- Prayagraj.

ii) Issue a writ, order/direction in the nature of mandamus commanding the respondent no. 2 Sub Divisional Magistrate, Handiya, District - Prayagraj to take appropriate action on the application dated 10.11.2023 on the basis of report submitted by the Area Lekhpal dated 27.01.2023 and 18.03.2023 (Annexure no. 3 and 4 to the writ petition) respectively."

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 :- 30.11.2023

Ved Prakash