

Court No. - 47

Case :- WRIT - C No. - 41247 of 2023

Petitioner :- Ajay Kumar

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Revati Raman Vishwakarma, Krishna Chandra Pandey

Counsel for Respondent :- CSC

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 relief:

"i. Issue a writ, order or direction in the nature of mandamus directing the respondent nos. 2 and 3 to dispossess the respondent nos. 4 and 5 from Araj Gata No. 1077 of area 0.324 hectare recorded as User, situated at Village- Ahirara, Pargana- Kada, Tehsil- Sirathu, District- Kaushambi, which have illegally been encroached by the respondent nos. 4 and 5."

3. Contention of learned counsel for the petitioner is that an order under Section 67 of U.P. Revenue Code, 2006 has been passed against respondent Nos. 4 and 5 and the same order has not been given effect to.

4. A preliminary objection has been raised by learned Standing Counsel for the State that the writ petition is not maintainable for execution of orders passed by the Revenue Court in view of the judgment of Division Bench of this Court in case of **Manbhavati Vs. State of U.P. and others** reported in **2020 1 AWC 789A** and **Writ C No. 7863 of 2018 (Brij Bhushan Rai v. State of U.P. and 6 others)**.

5. Accordingly, the writ petition is **dismissed** with liberty to the petitioner to pursue the remedy as available to him under law.

Order Date :- 30.11.2023

Nitika Sri.

(Manish Kumar Nigam, J.)