

Court No. - 40

Case :- WRIT - C No. - 41285 of 2023

Petitioner :- Pradeep Kumar Srivastava

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

Counsel for Petitioner :- Shyam Sunder Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Surendra Singh-I,J.

1. Heard learned counsel for the petitioner and Sri Rajmohan Upadhyay, learned Additional Chief Standing Counsel for the State-respondents.
2. In pith and substance, grievance of the petitioner is that the demarcation of the land in question was carried way back in the year 1990. Thereafter, when the petitioner started raising boundary-wall over his holding, the objection was made to the same on the ground that the petitioner is trying to usurp the school land. Thereafter, he moved an application for again settling the boundaries which has already been settled under Section 24(3) of U.P. Revenue Code, 2006, which is reflected from his own application dated 01.04.2023 appended as Annexure-8 to the writ petition.
3. Sri Rajmohan Upadhyay, learned Additional Chief Standing Counsel for the State-respondents has raised an objection that the U.P. Revenue Code, 2006 is a self contained Act and in case proceedings for demarcation are finalized by the authorities under Section 24(3) of the Code, 2006 and petitioner is aggrieved with the same, he can invoke the appeal which is contemplated under Section 24(4) of the Code, 2006 before the Commissioner within thirty days. He submits that the said disputed fact cannot be agitated/ adjudicated in writ jurisdiction. He further raises an objection that in case there is any intervention in his property, he can file appropriate proceedings under the Code, 2006 itself.
4. Considering the facts and circumstances of the case, once the petitioner has got efficacious remedy, we are not inclined to entertain the writ petition. Needless to say, it is open to the petitioner to invoke the remedy as may be available to him under law.
5. With the aforesaid observations, the writ petition is disposed of.

Order Date :- 7.12.2023

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