

Court No. - 51

Case :- WRIT - C No. - 41648 of 2023

Petitioner :- Omvir Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ram Raj Mishra, Anand Mohan Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai, J.

1. Heard Sri Anand Mohan Pandey, learned counsel for the petitioner and Sri Abhishek Shukla, learned Addl. C.S.C. for the state-respondents.

2. The instant writ petition has been filed for the following reliefs:-

"i) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to consider and decide the matter, application moved by the petitioner to respondent's authorities (Annexure No.4 to this writ petition) and act upon the same in accordance with law forthwith or within stipulated period as fixed by this Hon'ble court.

ii) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to remove illegal encroachment made by land grabbers upon the public utility land and the respondents further be mandated not to disturb the peaceful possession and occupation of the petitioner over the land/Gata No.55 and 56 situated in Village Barauda, Tehsil Budhana District Muzaffarnagar.

iii) Issue any other suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

iv) Award the cost of petition to the petitioner."

3. Counsel for the petitioner submitted that the petitioner is the recorded tenure holder of the plot in dispute but the authorities are illegally interfering in the right/title/possession of the petitioner.

4. Sri Abhishek Shukla, learned Addl. C.S.C. for the state-respondents submitted that the petitioner should initiate appropriate proceeding rather miscellaneous application before the authorities concerned.

5. I have considered the arguments advanced by learned counsel for the parties and perused the records.

6. The prayer made in the writ petition as well as in the application before the authorities, cannot be granted unless the petitioner initiate proper proceeding as provided under Sections 24/30 of the U.P. Revenue Code, 2006, in accordance with law.

7. No interference is required in the matter.

8. The writ petition is dismissed but with liberty to the petitioner to initiate proper proceeding in accordance with law, before the authority concerned.

Order Date :- 11.12.2023

C.Prakash