

Court No. - 47

Case :- WRIT - C No. - 41479 of 2023

Petitioner :- Jainullah

Respondent :- State Of U.P. And 9 Others

Counsel for Petitioner :- S.S. Sharma, Rakesh Kumar Srivastava

Counsel for Respondent :- C.S.C., Sudhir Bharti

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 commanding the respondents authorities Specially the respondent no.3 to remove illegal possession of the respondent no.5 to 9 from the Gaon Sabha Land i.e. from Gata No.229 M, area 0.0690, 239M area 0.0120, gata no.240 area 0.0610, Gata no.252 area 0.0610 which are recorded in the revenue records as public utility land.

ii). Issue an order or direction commanding the respondents state authorities to look the conduct of the respondent no.10 and to take action for his negligence to follow the order dated 19.05.2023 passed by this Hon'ble Court and to provide wrong information to the authorities."

3. On earlier occasion, the petitioner has approached this Court for removal of unauthorized encroachment over the Gaon Sabha property, where certain directions were issued but when no action was taken, the petitioner filed a contempt petition and ultimately proceedings under Section 67 of the U.P. Revenue Code, 2006 were initiated against the respondent nos.5 to 10 and an order was passed against them. Respondent no.5 to 10 filed an appeal and the same was dismissed thereafter, they approached this court by means of Writ Petition No.16178 of 2023, which was also allowed by this Court by order dated 19.5.2023 and the matter was remanded to the Tehsildar. The aforesaid proceedings are pending.

4. Learned Standing Counsel has raised a preliminary objection that the petitioner has earlier approached this Court for the same relief and the second writ petition for the same relief is not maintainable. Learned Standing Counsel has further contended that the proceedings under Section 67 of U.P. Revenue Code, 2006 are pending in pursuance of the order passed by this Court after remand.

5. In view of the above, I am not inclined to interfere to interfere in the matter.

6. The writ petition is, accordingly, **dismissed**.

Order Date :- 8.12.2023

S. Singh