

Court No. - 47

Case :- WRIT - C No. - 41909 of 2023

Petitioner :- Kamruddin

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Shiva Kant Srivastava

Counsel for Respondent :- C.S.C

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:

"a). issue a writ, order or direction in the nature of mandamus directing the Sub Divisional Officer, Nizamabad, District Azamgarh to demarcate the land of the petitioner and gurudwara and also direct to the respondent no.5 and 6 not to encroached to the land of the petitioner and further direct to the Sub Divisional Officer take necessary action and decision upon the representation of the petitioner."

3. Contention of learned Counsel for the petitioner is that petitioner is constructing a wall in his bhumidhari land but the same is being obstructed by the respondent nos.5 and 6, who are the private individuals.

4. Learned Standing Counsel has raised a preliminary objection that this petition is not maintainable as no injunction can be issued to the private persons.

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

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

Order Date :- 5.12.2023

S. Singh