

Court No. - 47

Case :- WRIT - C No. - 42613 of 2023

Petitioner :- Naiyyar Alam

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Rakesh Kumar Singh

Counsel for Respondent :- C.S.C

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State and perused the record.

2. The instant writ petition has been filed for following prayer:

"(a) Issue a writ, order or direction, in the nature of MANDAMUS directing the Tehsildar Tehsil Shahganj, Jaunpur/respondent No. 2 to comply with the order dated 13.02.2023 passed in suit No. 870/2023 (computer case No. T202314360100870) (Gaon Sabha Vs. Mirza Anwarweg Inter College Rajapur Usarhata) and take action against the respondent No. 3 under the recovery citation dated 13.02.2023, within stipulated period which may be fixed by this Hon'ble Court."

3. Contention of the learned counsel for the petitioner is that the petitioner claims himself to be a villager and has come up with a prayer that Tehsildar has issued a recovery citation against respondent no. 3, which is not being executed.

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 avail the alternative remedy as available to him under law.

Order Date :- 8.12.2023

Ved Prakash

(Manish Kumar Nigam, J.)