

Court No. - 51

Case :- WRIT - C No. - 42773 of 2023

Petitioner :- Ram Bahori

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

Counsel for Petitioner :- Suresh Chandra

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai,J.

1. Heard Mr. Suresh Chandra, learned counsel for the petitioner and Mr. Chandra Prakash Yadav, learned Additional Chief Standing Counsel for the State-respondent.

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

"a. Issue a writ, order or direction in the nature of mandamus for directing the respondent no. 2 to divide the Gata No. 1674/1, 1691, 2188 (ka), 2213, 2214, 2185 having total area 2.5630 hectares, Gata No. 1640 and 2298 (kha) having total area 0.9270 hectares and Gata No. 1639, 2189, 2724/2173, 1694, 2201, 2202, 2203, 2204(mi), 1568/1/2 having total area 3.1810 hectares situated at Village Ora, Tehsil and Pargana Karbi, District- Chitrakoot between the petitioner and respondent no. 4."

3. Learned counsel for the petitioner submitted that plot in question is to be partitioned, as such, the necessary order be passed for partition of the plot in question.

4. Mr. Chandra Prakash Yadav, learned Standing Counsel submitted that petitioner should initiate proper proceeding under Section 116 of the U.P. Revenue Code, 2006 rather writ of mandamus under Article 226 of the Constitution of India for partition of the holdings.

5. I have considered the arguments advanced by the parties and perused the record.

6. The provision of partition of holding has been prescribed under Section 116 of the U.P. Revenue Code, 2006.

7. In view of above, the writ petition is **dismissed** with liberty to petitioner to initiate proper proceeding under Section 116 of the U.P. Revenue Code, 2006..

Order Date :- 12.12.2023

Anjali