

Court No. - 17

Case :- WRIT - C No. - 8652 of 2023

Petitioner :- Krishna Keval Vishwakarma @ Krishna Kaul

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Revenue Lko. And 5 Others

Counsel for Petitioner :- Vikas Verma

Counsel for Respondent :- C.S.C.,Mohan Singh

Hon'ble Alok Mathur,J.

1. Heard Sri Vikas Verma, learned counsel for the petitioner as well as learned Standing counsel for respondent No.s 1 to 3 while notice on behalf of respondent No.6- Gram Sabha has been accepted by Sri Mohan Singh.

2. In view of the order proposed to be passed there is no need to issue notice to the private respondents.

3. It has been submitted on behalf of the petitioner that he was in possession of house situated in Gata No.337-Kha, area 0.519 hectare Village Saidapur, Pargana and Tehsil Akbarpur, District Ambedkar Nagar and the said house has been demolished by the revenue authorities holding the same to illegal encroachment on the gaon sabha land. It has been submitted that the said land is registered as *Naveen Parti* in the revenue records. It is also submitted that with regard to the said land a civil suit bearing Original Suit No.115 of 2022 (*Krishna Kewal Vs. State of U.P. and others*) is pending before Civil Judge (Senior Division), Ambedkar Nagar.

4. It is noticed that with regard to owner ship of the said land the petitioner has already availed appropriate remedy available to him by filing civil suit. In case any order is required with regard to the said land, the petitioner is at liberty to move appropriate application before competent court where the suit is pending. The petitioner has also prayed for grant of damages for demolition of the said house and also restraining the respondents from interfering with his possession. Once it is notice that demolition proceedings have already taken place and the matter is already contested by the petitioner before the Civil Judge, no such direction as sought by him can be passed in proceedings under Article 226 of the Constitution.

5. Considering the fact that the petitioner would have effective remedy before the civil court and damages can be granted only when it is established that he has certain right over the said property, no direction as sought by him can be issued in the

present case. In light of the above, there is no merit in the writ petition which is accordingly **dismissed.**

(Alok Mathur, J.)

Order Date :- 10.10.2023
RKM.