

Court No. - 17

Case :- WRIT - C No. - 8880 of 2023

Petitioner :- Shiv Kumar

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Deptt.
U.P. Govt. Lucknow And 4 Others

Counsel for Petitioner :- Onkar Pandey

Counsel for Respondent :- C.S.C., Dilip Kumar Pandey

Hon'ble Alok Mathur,J.

1. Heard learned counsel for petitioner as well as learned Standing Counsel for respondents.
2. By means of the present writ petition, the petitioner has made prayer with regard to removal of illegal wall over Gata No. 10 situated in Village Saibasi, Tehsil Malihabad, District - Lucknow which has been constructed by the gram pradhan.
3. It has been stated in the writ petition that gram pradhan has personally made the said wall which is obstructing the path used by the petitioner as well as other villagers. Learned counsel for petitioner has fairly submitted that the said obstruction is not on a public-way but from long the said path is being used by the villagers.
4. Learned Standing Counsel on the other hand has submitted that for the grievance raised by the petitioner in the present writ petition, the claim for easementary right has been sought with regard to the path which has been obstructed by the gram pradhan in his personal capacity. He submits that petitioner would have an efficacious remedy before the civil court for seeking the prayer made before the writ court.
5. Considering the aforesaid submission, it is evident that the alleged 5 feet wall has been constructed by the gram pradhan which obstruct rasta/passage of the petitioner. Apart from the same, it seems that certain disputes of petitioner are already pending with respondent No. 5 which is evident from the application of the petitioner annexed as Annexure No. 3 to the writ petition.
6. In the aforesaid circumstances and considering the fact that no State authority has blocked the said road and also that it is a private dispute between petitioner and respondent No. 5 for which he has adequate remedy before the civil court or any other forum which may be availed by him. As no relief can be granted by of the State authorities, no interference is required to

be made by this Court, the writ petition in this regard is not maintainable.

7. Subject to aforesaid observations, the writ petition is **disposed of**.

(Alok Mathur, J.)

Order Date :- 13.10.2023/Ravi/