

Court No. - 19

Case :- WRIT - C No. - 10513 of 2023

Petitioner :- Kandhailal

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Revenue U.P.
Govt. U.P. Lucknow And 7 Others

Counsel for Petitioner :- Subodh Awasthi, Jitendra Vikram

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

Hon'ble Jaspreet Singh, J.

Heard learned counsel for the petitioner. Notice on behalf of the respondents No.1 to 4 has been accepted by the office of Chief Standing Counsel. Shri Dilip Kumar Pandey, learned counsel has accepted notice for the respondent No.5.

By means of the instant petition, the petitioner has raised an issue that the public utility way on Gata No.177 situate in Village Samodha, Pargana-Sareni, Tehsil-Lalganj, District Raebareli has been illegally obstructed by the respondents No.6 to 8. The petitioner also seeks a direction in the nature of mandamus commanding the respondents authorities to get the obstruction removed.

It has also been pointed that that so far as the respondents authorities are concerned, they have informed that all the obstructions have been removed but as per the petitioner the obstructions are still in exist which is causing harassment.

Be that as it may the petitioner is aggrieved by any illegal encroachment relating to public way or by raising any illegal constructions by the private-respondents, these are all disputed questions of fact which can be better assessed by the competent Court.

Since, the petitioner has an alternate statutory remedy available in law, accordingly, this Court is not inclined to entertain the petition leaving it open for the petitioner to avail the remedy as available to him in law.

With the aforesaid, the petition is dismissed. It is made clear that the petition is dismissed solely on the ground of availability of alternate statutory remedy and it may not be treated as an expression of the opinion on merits.

Order Date :- 4.12.2023

Rakesh/-