

Court No. - 9

Case :- WRIT - C No. - 10490 of 2023

Petitioner :- Santosh Pal And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Home Civil
Sectt. Lko. And Others

Counsel for Petitioner :- Sunita Dwivedi, Himanshu Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Rajan Roy,J.

Hon'ble Manish Kumar,J.

Sri Vipin Kumar Mishra, Advocate has filed *Vakalatnama* on behalf of opposite party nos.4 and 5, the same is taken on record.

Heard.

This petition has been filed seeking the following reliefs:-

"(i) to issue order or direction in the nature of Mandamus commanding the opposite parties no.2 and 3 to restrain the possession of private opposite parties on disputed land till the disposal of misc. case no.973/2023, Santosh Pal and others Versus Dharmendra and others, which is pending in District & Sessions Judge, Lucknow, in the interest of justice.

(ii) Any other order or direction which this Hon'ble Court deem fit and proper be also passed in favour of petitioners.

(iii) Allow the writ petition with costs."

On the very nature of the relief, the dispute, if at all, is a private dispute and this petition is not maintainable. Learned counsel for the petitioner seeks disposal of petitioner's application in appeal no.125 of 2023 for restoration of the appeal. There is no such relief prayed in the petition and even otherwise, this relief cannot be raised before the Division Bench.

Accordingly, the petition is **dismissed** leaving it open for the petitioner to avail other remedies.

(Manish Kumar,J.) (Rajan Roy,J.)

Order Date :- 2.12.2023/Shanu/-