

Court No. - 1

Case :- WRIT - C No. - 10577 of 2023

Petitioner :- Amitabh Awasthi

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

Counsel for Petitioner :- Ajay Sharma, Vikas Shukla

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

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

1. Heard learned counsel for the parties.
2. By means of the instant writ petition, the petitioner has sought the following primary relief :-

"I. Issue a writ, order or direction in the nature of mandamus commanding to the opposite parties especially opposite party no.5 and 6 not to create any hindrance and block the way/path by installing concrete pole and by wire fencing over the land i.e. Gata No.941 having total area 0.0510 recorded as Harijan Abadi in the revenue record, as petitioner is having directly ingress and egress to his land situated adjacent to the said gata."

3. The relief sought in the present writ petition is essentially in the nature of a civil dispute between the petitioner and respondent No.6, who is the private party.
4. Parties are already in litigation before the competent civil court in regular suit No.232 of 2022.
5. Simultaneous proceedings under Article 226 of the Constitution of India are not maintainable.
6. Thus the present writ petition is not maintainable and is, accordingly, **dismissed**.

7. The petitioner is however at liberty to make an appropriate application before the civil court in the pending suit and in case any such application is made, the same shall be decided expeditiously in accordance with law.

(Om Prakash Shukla, J.) (Attai Rahman Masoodi, J.)

Order Date :- 6.12.2023

Shubhankar