

Court No. - 6

Case :- WRIT - C No. - 11062 of 2023

Petitioner :- Panna Lal@ Panna Lal Shaw And Others

Respondent :- State Of U.P. Thru. Prin. Secy./ Addl. Chief Secy. Revenue Deptt. Lko And Ors.

Counsel for Petitioner :- Pawan Kumar Pandey

Counsel for Respondent :- C.S.C.,Sudhir Kumar Singh

Hon'ble Rajnish Kumar,J.

1. On an urgency shown by Sri Pawan Kumar Pandey, learned counsel for the petitioners, this petition has been taken up today.

2. Heard Sri Pawan Kumar Pandey, learned counsel for the petitioners, Sri Sudhir Kumar Singh, learned counsel for the respondent no.5 and Sri Upendra Kumar Singh, learned Additional Chief Standing Counsel appearing for respondent no.s 1 to 4.

3. Learned counsel appearing for the respondent nos. 1 to 5 raised a preliminary objection that the petitioners have an alternative statutory remedy available under Section 210 of the U.P. Revenue Code, 2006 against the impugned order dated 08.12.2023, therefore this petition is not maintainable.

4. An objection has also been raised that the petition suffers from material concealment because the petitioners have filed a civil suit bearing Original Suit No.680 of 2021, (Panna Lal vs. Deepchand and others) for permanent injunction, but the said fact has not been disclosed in this petition, whereas it was disclosed in earlier WRIT - C No. - 10952 of 2023, (Panna Lal vs. State of U.P. and Others) in paragraph no.8.

3. It has further been submitted that the petitioner had approached this Court by means of WRIT - C No. - 10952 of 2023 challenging the notice and on being informed about the impugned order dated 08.12.2023, the petition was withdrawn with liberty to approach the appropriate authority/Court, therefore, also the petitioners should approach to the statutory authority/Court.

4. Learned counsel for the petitioners could not dispute about the alternative statutory remedy, however, he has shown ignorance about the pendency of the aforesaid suit.

5. Be that as it may, as alternative statutory remedy is available to the petitioners, the petition is **dismissed** on the ground of alternative remedy available to the petitioners.

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(Rajnish Kumar, J.)

Order Date :- 15.12.2023/Raj