

**Court No. - 2**

**Case :-** WRIT - C No. - 5565 of 2024

**Petitioner :-** Rajpati Pal And Others

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

**Counsel for Petitioner :-** Shiv Shankar Singh, Sushil Kumar Singh

**Counsel for Respondent :-** C.S.C.

**Hon'ble Alok Mathur, J.**

**Hon'ble Arun Kumar Singh Deshwal, J.**

1. Heard Sri Sushil Kumar Singh, learned counsel for the petitioners and learned Standing Counsel for respondents No. 1 to 5.
2. In view of the proposed order notice to private respondents is dispensed with.
3. The petitioners have raised the present dispute which pertains to Khata No. 715, Gata No. 904,, area 0.0710 hectare, recorded as Naveen Parti situated at Village Gauratikari, Pargana Aldmau, Tehsil Kadipur, District Sultanpur. The petitioners and the private respondents have a common ancestry and the dispute is with regard to possession of the said property between them.
4. It has been submitted by learned counsel for the petitioners that the proceedings under Section 67 of the U.P. Revenue Code, 2006 were also initiated and the orders with regard to the private respondents, under Section 67-A of the Code, 2006, has been passed as they have been found to be in possession of the said land prior to cut off date. The petitioners, being aggrieved by the said order, have also moved an application for recall which is pending consideration before the said authority.
5. In the present writ petition, a prayer has been sought from this Court for a direction to respondent No.4 i.e. Sub Divisional Officer, Tehsil Kadipur, District Sultanpur to decide the application of the petitioner moved on 28.5.2024 and also to restrain the private respondents from raising any illegal construction over the disputed property.
6. Learned Standing Counsel, on the other hand, has opposed the prayer. He has submitted that the dispute raised in the present petition is a private dispute between the petitioners and the private respondents and a writ petition under Article 226 of the Constitution of India would not be maintainable.

7. We have heard the counsel for the petitioners and perused the petition from which it is apparently clear that the dispute is a private dispute between the family of petitioners and private respondents. In case the petitioner is aggrieved and seeks to restrain the private respondents, he has adequate remedy before the Civil Court or before the prescribed authority under various provisions.

8. At this stage, learned counsel for the petitioners submits that he may be permitted to withdraw this petition so that he can approach the competent authority with regard to the prayer made in the present writ petition.

9. Learned Standing Counsel does not oppose the prayer, made by the counsel for the petitioners.

10. Accordingly, the petitioner is dismissed as not pressed with liberty to the petitioners to approach the appropriate authority for redressal of their grievance.

**(Arun Kumar Singh Deshwal,J) (Alok Mathur,J)**

**Order Date :- 25.6.2024**

Vandana