

Court No. - 2

Case :- WRIT - C No. - 5663 of 2024

Petitioner :- Smt. Babita And Others

Respondent :- District Magistrate / Collector , Sultanpur And Others

Counsel for Petitioner :- Virendra Kumar Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Virendra Kumar Shukla, learned counsel for the petitioners and learned Standing Counsel for the respondent nos.1 and 2.

2. In the light of the proposed order, issuance of notice to the private respondent is dispensed with.

3. The dispute in the present case pertains to Gata No.1070 situated at Village-Taukalpur Nagara, Pargana- Aldemau, Tehsil Kadipur, District Sultanpur, which is in possession of the petitioners. With regard to the said property, the dispute is already pending in the court of Civil Judge (J.D.) Kadipur, Sultanpur for cancellation of a sale deed filed by one Smt. Prabhavati. The said Smt. Prabhavati, who is alleged owner of the said property, has given permissible possession to the petitioners. The allegation is that the respondent nos.3 to 8, who have also purchased the said property, are seeking to dispossess the petitioners from the said property.

4. Undoubtedly, the relief sought by the petitioners is with regard to the private respondents and the present dispute falls in the realm of a private dispute. Accordingly, the present petition is not entertainable under Article 226 of the Constitution of India.

5. This Court is of the considered view that the petitioners have efficacious remedy before the civil court and seek appropriate directions to restrain the private respondents from interfering in their possession and no such direction, sought by them, can be passed in a proceeding under Article 226 of the Constitution of India. Accordingly, no interference is required in the present petition.

5. The writ petition is, accordingly, **dismissed**.

Order Date :- 28.6.2024

A.Kr*

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