

Court No. - 16

Case :- CRIMINAL MISC. WRIT PETITION No. - 8277 of 2022

Petitioner :- Indra Raj Singh And Others

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home, Lko. And Others

Counsel for Petitioner :- Gyanendra Mishra

Counsel for Respondent :- G.A., Ashutosh Mishra

Hon'ble Shamim Ahmed,J.

1. Heard Sri Gyandendra Mishra, learned counsel for the petitioner as well as Sri Ashutosh Mishra, learned counsel for the opposite party Nos.2 to 5 and Sri Ashok Kumar Srivastava, learned A.G.A.-1 for the State.

2. This petition has been filed with the following relief(s):

"a. Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned order dated 18.05.2022 passed by Sub Divisional Magistrate Lambhua District Sultanpur in Case No. 3867 of 2020 (Computerized Case No. T202004680303867) titled as Jagdamba Prasad Singh Vs. Hanuman Singh under Section 133 Cr.P.C. as well as revisional court order dated 01.10.2022 passed by Additional Session Judge Court No.8, Sultanpur in Criminal Revision No. 118/2022 filed by the petitioners against the order dated 18.05.2022 passed by Sub Divisional Magistrate Lambhua District Sultanpur as contained in Annexure No.1 & 2."

3. Learned counsel for the opposite party Nos. 2 to 5 and learned A.G.A. submit that the the opposite party No.3 i.e. Jagdamba Prasad filed an application under Section 133 Cr.PC. registered as Case No. 3867 of 2020 (Computerized Case No. T202004680303867) titled as Jagdamba Prasad Singh Vs. Hanuman Singh in which he has stated that the opposite party No.3 has no path and he is only person who uses the path has been wrongfully obstructed by the petitioner No. 1 to 3, which is required to be opened. Thereafter, Sub Divisional Magistrate Lambhua District Sultanpur vide impugned order dated 18.05.2022 finally decided the application by a detailed order and directed to Station House Office Kotwali Dehat to remove the obstruction made by the opposite parties (petitioner Nos. 1 to 3 in this petition) which is marked as A, B in the report dated 05.6.2017 filed by the Station House Office Kotwali Dehat.

4. Learned counsel for the opposite party Nos. 2 to 5 and learned A.G.A. further submits that being aggrieved by the order dated

18.05.2022 passed by Sub Divisional Magistrate Lambhua District Sultanpur opposite party i.e. Hanuman Singh and other, petitioner Nos. 1 to 3 in this petition, filed criminal revision bearing Criminal Revision No. 118 of 2022 and the revisional court vide order dated 01.10.2022 rejected the revision and affirmed the order dated 18.05.2022 passed by Sub Divisional Magistrate Lambhua District Sultanpur. They further submits that after considering the entire evidence available on record both the courts had passed detailed orders, and the revisional court held that the disputed path is a public path and the revisionist (petitioners in this petition) after giving many opportunities have not produced any evidence in their favour, thus no interference is required by this Court and the petition is liable to be dismissed.

5. I have perused the impugned orders.

6. The Revisional Court in its order dated 01.10.2022 held that Gata No. 416 is recorded as Gram Sabha in the revenue record and the disputed path is a public path and the revisionist (petitioners in this petition) after giving many opportunities has not produced any evidence in his favour and they have also failed to show any document that if the disputed property is registered as Gram Sabha how the tile of the said property became private.

7. After hearing learned counsel for the parties and after perusal of the impugned orders, this Court comes to the conclusion that there is no illegality or infirmity in the orders under challenge and the same need no interference, therefore, the present petition is liable to be dismissed.

8. **Dismissed** accordingly.

9. The interim order, if any, stands vacated.

Order Date :- 18.7.2024

Arvind