

**Court No. - 35**

**Case :-** WRIT - C No. - 14835 of 2020

**Petitioner :-** Phool Singh And 3 Others

**Respondent :-** State Of U.P. And 6 Others

**Counsel for Petitioner :-** Dhirendra Singh Rajput

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

**Hon'ble Manoj Kumar Gupta,J.**

**Hon'ble Dr. Yogendra Kumar Srivastava,J.**

Heard learned counsel for the petitioners.

The instant petition has been filed praying for a mandamus restraining the respondents from constructing building over Gata No. 130 situate in village Shankarpur Mushtakil, P.S. Kuthaund, Tehsil Jalaun, District Jalaun.

In our considered opinion the question as to whether the land in question belongs to the petitioner or to the private respondents or whether they have any authority to construct building over it or not requires appreciation of evidence which cannot be done in exercise of writ jurisdiction.

Accordingly, the petition is disposed of with liberty to the petitioners to avail the civil remedies available to them under the common law.

**Order Date :-** 30.9.2020

Imroz

(Manoj Kumar Gupta, J.)

(Dr. Y. K. Srivastava, J.)