

Court No. - 4

Case :- WRIT - C No. - 17449 of 2022

Petitioner :- Ashok Kumar Tiwari

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

Counsel for Petitioner :- Malay Prasad

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Heard Shri Malay Prasad, learned counsel for the petitioner and Shri Devesh Vikram, learned Standing Counsel for the State-respondents.

The present writ petition is preferred for a direction commanding the respondents not to interfere in his peaceful possession at Arazi No.1108 area 0.673 hectares situated at Mauja Deeha Uparhar, Pargana Arail, Tehsil Karchhana, District Prayagraj and to decide his representation dated 15.04.2022 within some stipulated time.

Shri Devesh Vikram, learned Standing Counsel for the State-respondents has raised a preliminary objection regarding the maintainability of the writ petition on the ground that the petitioner is seeking enforcement of common law rights for protection of his property. The impleadment of the State respondents is not for claiming any constitutional or statutory rights against the State and they have been impleaded for taking action for protection of the property rights against the private individuals. A writ petition for enforcement of the extraordinary remedies under Article 226 of the Constitution of India is not ordinarily maintainable for such reliefs against persons, who do not have any public duties to perform. The petitioner has adequate and efficacious alternative remedies of approaching the civil or revenue courts at the first instance for seeking the remedies.

Confronted with the situation, learned counsel for the petitioner fairly states that he does not want to press this petition.

Accordingly, the writ petition is dismissed as not pressed, leaving it open to the petitioner to invoke the remedy, as may be available to him under law.

Order Date :- 30.6.2022/ Shiv