

Court No. - 35

Case :- WRIT - C No. - 18190 of 2025

Petitioner :- Javed Ali

Respondent :- State Of Up And 5 Others

Counsel for Petitioner :- Rajesh Kumar Namdev, Vinod Shankar Tripathi

Counsel for Respondent :- Azad Rai, C.S.C.

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the parties and perused the record.

2. This writ petition has been filed for following reliefs:-

"i) Issue a writ, order or direction in the nature of mandamus directing the Respondent Authorities to comply the order dated 05.02.2019 and mutated the name of the petitioner's revenue record of the Gata No. 110M area 0.388.

ii) Issue a writ, order or direction in the nature of mandamus directing the respondent authorities to not interfere the peaceful possession of the petitioner"

3. Contention of learned counsel for the petitioner is that an order dated 05.02.2019 has been passed but the same has not been given effect to.

4. Learned Standing Counsel has raised a preliminary objection that view of the judgment of Division Bench of this Court in case of **Manbhavati Vs. State of U.P. and others** reported in **2020 1 AWC 789A** and **Writ C No. 7863 of 2018 (Brij Bhushan Rai v. State of U.P. and 6 others)** the writ petition is not maintainable for execution of orders passed by the Revenue Court. It has been further contended by learned Standing Counsel that in view of provisions of paragraph No. 460 of the U.P. Revenue Court Manual, the petitioner has remedy for getting the order implemented. For ready reference, paragraph No. 460 of the U.P. Revenue Court Manual is quoted as under:-

"460. Execution of decree and order- (1)The decree or order passed under the Code or the Rules framed under the Code shall, mutatis mutandis, be executed in accordance with the provisions of

Chapter V.

(2) The Assistant Collector/Tahsildar passing the order for eviction or recovery of any amount of damages or compensation under the provisions of Section 67 of the Code shall get the order executed and in execution of the order he shall, mutatis mutandis, follow the procedure laid down in paragraphs 137 and 138."

5. In view of the same, I am not inclined to interfere in the matter.

6. Accordingly, the petition is disposed of with liberty to the petitioner to pursue the remedy as available to him under the U.P. Revenue Court Manual.

Order Date :- 30.5.2025

Nitika Sri.

(Manish Kumar Nigam,J.)