
(2011) 06 AHC CK 0181
In the Allahabad High Court
Case No : C.M.W.P. No. 35299 of 2011

Lal Bahadur

APPELLANT

Vs

State of U. P. and others

RESPONDENT

Date of Decision : 30-06-2011

Acts Referred:

Citation : (2011) 5 AWC 4734

Hon'ble Judges : Satya Poot Mehrotra, J;Pankaj Mithal, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Satya Poot Mehrotra and Pankaj Mithal, JJ.—Present writ petition has been filed making the following prayers:

(i) issue any writ, order or direction in the nature of mandamus directing the respondents to vacate the house of the petitioner anyhow with the help of the police:

(ii) issue any writ order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case

(iii) allow the writ petition with cost to the petitioner.

2. In paragraph 3 of the writ petition, it is inter alia averred that the petitioner is owner of the house in question.

3. In paragraph 5 of the writ petition, it is averred that the petitioner let out house in question on rent to Subhash Pandey, respondent No. 3.

4. It is noticed that there is relationship of landlord and tenant between the petitioner and respondent No. 3. For getting the tenant evicted from the house in question, the remedies available to the petitioner are under the Transfer of Property Act or under the U. P. Act No. 13 of 1972. Writ petition for getting the tenant evicted by issuance of mandamus is not maintainable.

5. Writ petition is misconceived and is liable to be dismissed.
6. The writ petition is accordingly, dismissed.