

Court No. - 40

Case :- WRIT - C No. - 20074 of 2023

Petitioner :- Mina Devi

Respondent :- State Of U.P. And 9 Others

Counsel for Petitioner :- Sanjay Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner and Shri Sharad Chandra Upadhyay, learned Standing Counsel for State respondents.
2. Present writ petition has been preferred for a direction to respondents not to restrain the petitioner from raising the construction of her house under the Pradhan Mantri Awas Yojna over Plot No.402, Village Judapur, Dandu, Tehsil Soraon, Distt. Prayagraj and for a direction to respondent no.2 to consider and decide the representation of the petitioner dated 25.5.2023 within stipulated period.
3. On the matter being taken up on 8.8.2023, we had asked District Magistrate, Prayagraj to file response within ten days. In response thereof, detailed affidavit has been filed by the District Magistrate. On the basis of said affidavit, this much is contended that the petitioner is not raising the construction under the Scheme in question on the allotted place, rather she is raising construction nearby the land in dispute, which created unrest and as such proceeding under Section 107/116 CrPC has also been initiated for maintaining law and order. Challan report dated 19.7.2023 is also appended along with the said affidavit as Annexure No.1. Regarding the land in dispute between the family members, Case No.982 of 2023 (Raj Kmar v. Mani Ram & Ors.) is also pending consideration before the Civil Judge, Sharki, Prayagraj. In this backdrop, it is contended that since the petitioner is raising construction other than the allotted place, hence no reprieve may be accorded.
4. Considering the facts and circumstances as well as the categorical instructions produced before us, we are not inclined to interfere in the matter. Needless to say, it is open to the petitioner to raise the construction at the site, which is earmarked for the said purpose.
5. The writ petition stands **disposed of** accordingly.

Order Date :- 28.11.2023

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