

Court No. - 51

Case :- WRIT - C No. - 23523 of 2023

Petitioner :- Anjani Kumar Kashyap

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Balram Jee Verma,Prabhakar Dwivedi

Counsel for Respondent :- C.S.C.,Pankaj Kumar Gupta

Hon'ble Chandra Kumar Rai,J.

1. Heard learned counsel for the petitioner, Mr. O.P. Sharma, learned Additional Chief Standing Counsel for the State-respondents and Mr. Pankaj Kumar Gupta, learned counsel for the respondent- Gaon Sabha.

2. On 13.10.2023 following order was passed by this Court:

"1. In compliance of the order of this Court dated 26.9.2023, instruction dated 2.10.2023 has been placed before the Court by Mr. Pankaj Kumar Gupta, learned counsel for the respondent- Gaon Sabha, which is taken on record.

2. Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents has placed the instruction before the Court, which is also taken on record.

3. On the basis of instruction, Mr. Pankaj Kumar Gupta, learned counsel for the respondent- Gaon Sabha and Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents submitted that the pond in question has been allotted in accordance with law to Vimla Devi on 20.6.2023. They further submitted that the petitioner was allotted plot no.2 and plot no.109M (pond) but petitioner is residing at Lucknow and on his behalf one Indrasen Mishra is managing the other pond, which is allotted to the petitioner. They next submitted that in respect to the plot no.20, which is in dispute, petitioner has not participated and auction has taken place in accordance with the rules in favour of Vimla Devi, as such, no cause of action survives in the matter and the writ petition is liable to be dismissed. They next submitted that the petitioner is not entitled for the allotment at all.

4. Learned counsel for the petitioner is disputing the facts mentioned in the instruction.

5. Learned counsel for the respondent Gaon Sabha and learned Additional Chief Standing Counsel for the State-respondents are directed to serve the copy of the instruction upon learned counsel for the petitioner during course of the day.

6. Put up this case as fresh on 8.11.2023."

3. Learned counsel for the petitioner submitted that in view of the instruction dated 2.10.2023 submitted by the State, the allotment has been made in

respect to pond in question. He further submitted that the petitioner may be permitted to withdraw this petition with liberty to avail appropriate remedy against grant of lease in respect to pond in question.

4. In view of the statement made by learned counsel for the petitioner, the writ petition is ***dismissed as withdrawn*** with liberty to the petitioner to avail appropriate remedy against grant of lease in respect to pond in question.

Order Date :- 8.11.2023

Rameez