

Court No. - 51

Case :- WRIT - C No. - 23883 of 2023

Petitioner :- Santram

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

Counsel for Petitioner :- Navin Kumar Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai,J.

1. Heard Mr. Navin Kumar Srivastava, learned counsel for the petitioner and Mr. Ravi Singh Parihar, learned Standing Counsel for the State-respondents.

2. The instant petition has been filed for the following reliefs:

i. issue a writ, order or direction in the nature of mandamus directing the respondent nos.2 & 5 to direct the respondent no.6 to remove the installation of tube-well in Arazi No.31, situated at Village- Baldihan, Block Saidabad, Tahsil- Handia, District- Prayagraj.

ii. issue a writ, order or direction in the nature of mandamus directing the respondent authorities to decide the representation of the petitioner dated 14.10.2022 expeditiously, within an stipulated period as fixed by this Hon'ble Court.

3. This Court on 31.7.2023 directed the learned Standing Counsel to obtain instruction, accordingly, instruction dated 4.8.2023 was placed before the Court and on 25.9.2023 following order was passed by this Court:

"1. In compliance of the order of this Court dated 31.7.2023, instruction dated 4.8.2023 has been placed before the Court by the learned standing counsel which is taken on record wherein it is indicated that according to the government order dated 18.5.2023, the tube-well was proposed to be installed in the plot in question and there is no illegality in installation of the said tube-well in the plot in question.

2. Learned counsel for the petitioner is disputing the facts mentioned in the instruction dated 4.8.2023.

3. Learned standing counsel shall serve a copy of the instruction dated 4.8.2023 upon the counsel for the petitioner during the course of the day.

4. Learned counsel for the petitioner shall file reply to the facts mentioned in the instruction dated 4.8.2023.

5. Put up this matter as fresh on 10.10.2023."

4. In view of the facts mentioned in the instruction dated 4.8.2023, it is established that there is no illegality in the installation of the tube-well in the plot in question. The Government order has been also annexed along with the instruction in order to demonstrate that there is no illegality in installing the tube-well.

5. Considering the facts mentioned in the instruction as well as the Government order annexed along with the instruction, no interference is required in the matter.

6. The writ petition is accordingly, ***dismissed***.

Order Date :- 3.11.2023

Rameez