

Court No. - 10

Case :- WRIT - C No. - 24219 of 2023

Petitioner :- Rajesh Kumar Yadav

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Bhritgu Jee Singh

Counsel for Respondent :- C.S.C., Vijay Pratap Yadav

Hon'ble Kshitij Shailendra, J.

1. Shri Bhritgu Jee Singh, learned counsel for the petitioner, Shri Jitendra Singh, learned Additional Chief Standing Counsel for the State and Shri Vijay Pratap Yadav, learned counsel for respondent No.8.

2. The petitioner, namely, Rajesh Kumar Yadav has filed the present writ petition with a prayer that respondents be directed to take necessary action against the concerned College in accordance with law in pursuance of report dated 30.12.2020 submitted by the District Inspector of Schools and cancel the recognition granted to the said Institution.

3. I have perused the documents appended to the writ petition as well as report of the District Inspector of Schools. The dispute raised by the petitioner is in respect of the land with a stand that the land being less than 2000 Sq. Mts. on the spot, the respondent No. 8 wrongly obtained recognition.

4. Learned counsel for respondent No. 8 has raised a dispute with regard to maintainability of the writ petition on the ground that the petitioner having no concern with the Institution has no locus to seek cancellation of recognition and that he has not disclosed as to how can he maintain the present writ petition.

5. Learned counsel for the petitioner submits that in the matters of recognition, locus does not have much significance as per the provisions of Uttar Pradesh Intermediate Education Act, 1921.

6. Be that as it may, filing of complaint is one thing and taking action on the said complaint and, further, issuing a writ of Mandamus with regard to that complaint are different things. Nevertheless, considering the stand taken in the counter affidavit that the Authorities have conducted thorough enquiry into the

proceedings and, on the basis of those statutory proceedings under the revenue law, specific details have come on record stating that respondent No. 8 Institution is constructed over 2042 Sq. Mts of land in the concerned Gatas and the writ petition contains wrong facts and allegations, without commenting upon the locus of the petitioner to maintain the present writ petition, I find that no direction, as prayed for, can be issued and the facts stated in the counter affidavit are sufficient for dismissal of the writ petition.

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

Order Date :- 30.10.2023

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