

Court No. - 49

Case :- WRIT - C No. - 26435 of 2023

Petitioner :- Vijayveer Singh

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

Counsel for Petitioner :- Bhaju Ram Pprasad Sharma, Arvind Kumar Srivastava

Counsel for Respondent :- CSC, Sher Bahadur Singh

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard Sri Arvind Kumar Srivastava, learned counsel for the petitioner, Sri T.P. Gupta, learned standing counsel for the State-respondent nos. 1 to 4 and Sri Sher Bahadur Singh, learned counsel appearing on behalf of the respondent no. 5 / Gaon Sabha.

2. The present writ petition has been filed by the petitioner seeking following relief:

"A. Issue a writ, order or direction in the nature of mandamus directing to the respondent nos. 2 to 4 to measure the plot No. 138 area 0.283 hectare recorded in revenue record of the concerned village.

B. Issue a writ, order or direction in the nature of mandamus directing to the respondent nos. 2 to 4 to permit the concerned authority for construction of water pump over plot No. 138 area 0.283 hectare recorded in revenue record of the concerned village after measurement.

C. Issue a writ, order or direction in the nature of mandamus directing to the respondent nos. 2 to 4 to consider and decide the petitioner representation / grievance dated 27.7.2023 (Anneuxre No. 5 of the writ petition) forthwith."

3. This Court vide order dated 25.8.2023 granted time to the learned standing counsel to obtain instructions in the matter.

4. Sri T.P. Gupta, learned standing counsel submits that he has received written instructions dated 16.8.2023 from the Sub Divisional Officer, Tehsil Powayan, District Shahjahanpur (respondent no. 3). He further submits that as per the revenue records, the plot bearing Plot No. 138 ad-measuring area 0.283 hectare is recorded as Banjar. On the basis of aforesaid instructions, learned standing counsel submits that the construction of the overhead water tank in question has to be made on the aforesaid Plot No. 138 ad-measuring area 0.283 hectare situated at village Rasulpur Bujurg, Pargana & Tehsil Powayan, District Shahjahanpur as per the existing map.

5. The instruction as provided by the learned standing counsel is taken on record.

6. Considering the facts and circumstances of the case, in view of the statement made by learned standing counsel, nothing survives in the present writ petition for adjudication.

8. With the consent of the learned counsel for the parties, the writ petition is finally **disposed of** in terms of the statement made by the learned standing counsel for the State.

Order Date :- 12.10.2023

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