

Court No. - 40

Case :- WRIT - C No. - 26641 of 2023

Petitioner :- Smt. Malti Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Praveen Kumar Singh, Lal Mani Singh

Counsel for Respondent :- C.S.C., Abhinava Krishna
Srivastava, Anand Prakash Paul

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Supplementary affidavit filed today is taken on record.
2. Heard learned counsel for the petitioner; Sri S.C.Upadhyay, learned Standing Counsel for the State-respondent and Sri Abhinava Krishna Srivastava, learned counsel for the respondent no. 4.
3. The present writ petition has been preferred for a mandamus commanding the respondent not to interfere with the peaceful possession of the petitioner's arazi bearing Arazi No. 415 measuring 0.307 hectare and Arazi No. 416 measuring 0.256 hectare situated at Village Bingawan, Pargana and District Kanpur Nagar. Alternatively, prayer is made to direct the respondent no. 3 to decide the representation dated 18.4.2023.
4. Learned counsel for the petitioner vehemently contended that the petitioner is bona fide purchaser and she was not aware with the fact that the proceeding were finalised under the Urban Land (Ceiling and Regulation) Act, 1976.
5. Per contra, learned Standing Counsel and learned counsel for the Development Authority raised an objection regarding maintainability of the writ petition on the ground that the petitioner is subsequent purchaser. Moreover, once the land is vested in the State under Section 10(3) of the Act, 1976, the State has every right to proceed against the incumbent who has sold the property of the State. They further raised an objection that in case, the State property is being sold malafidely, the appropriate remedy is to press the relief before the competent civil court against the private incumbent who has sold the property.
6. Confronted with this situation, learned counsel for the petitioner fairly states that he is not inclined to press the writ

petition. However, leave may be accorded to press the relief before the appropriate Forum/Court.

7. Consequently, the writ petition stands dismissed as not pressed with the aforesaid leave.

Order Date :- 22.11.2023

A.K.Srivastava