

Court No. - 52

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1969 of 2023

Petitioner :- Rajendra Singh

Respondent :- State Of U.P. And 8 Others

Counsel for Petitioner :- Vinayak Varma

Counsel for Respondent :- C.S.C., Sher Bahadur Singh

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Vinayak Varma, learned counsel for petitioner and Sri Dhananjai Singh, learned Standing counsel for State respondents.

2. Present petition has been filed seeking following reliefs:

"A. Issue a suitable writ, order or direction in the nature of mandamus commanding the respondents to remove the illegal construction made over gata no. 137, area 0.181 hectare, village Gangchaura, Pargana Ujhani, Tehsil and District-Budaun."

3. It is the case of petitioner that over plot no. 137 area 0.181 hectare recorded as chak road in the revenue records situated at village Gangchaura, Tehsil and District-Budaun, the opposite parties have constructed a tube well kothri and for the removal of which petitioner has prayed for through the instant P.I.L.

4. In compliance of previous order dated 18.10.2023, respondent no. 3 is present today in the Court and Sri Dhananjai Singh, learned Standing counsel has preferred exemption application along with affidavit on behalf of respondent no. 3 which is taken on record and through which it has been transpired that respondent no. 3 directed the Halka Lekhpal to give a detailed map and scale with clear description regarding the spot to the Tehsildar, Badaun, who according to the measurement done on the spot, stated that there is no tube well and kothari over the plot no. 137 as alleged in the petition while the construction of tube well and kothari are present over plot no. 80 which is bhumidhari land of one Ram Autar and as such no cause of action survives for petitioner to further pursue the instant P.I.L.

5. The instant P.I.L stands ***disposed of*** accordingly.

6. Personal appearance of Sri Sukh Lal Prasad Verma, Sub Divisional Magistrate, Badaun, is hereby dispensed with.

Order Date :- 31.10.2023

Shaswat