

Court No. - 40

Case :- WRIT - C No. - 29424 of 2023

Petitioner :- C/M Azad Memorial Inter College

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

Counsel for Petitioner :- Rajesh Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Mr. Rajesh Yadav, learned counsel for the petitioner, Mr. R.P. Pandey, learned Additional Chief Standing Counsel for the State-respondents and perused the record.

2. Instructions filed by learned Additional Chief Standing Counsel for the State-respondents is taken on the record.

3. By means of the instant petition, petitioner has prayed for following reliefs:-

"(i) Issue a writ, order or direction in the nature of mandamus directing the respondents not to construct Police Chawki over Gata No.1188 area 1.8840 hectare situated at Dasna, Tehsil and District- Ghaziabad by force and further be pleased to protect the life and liberty of the petitioner.

(ii) Issue any other suitable writ order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the case.

(iii) Award the cost of the present petition to the petitioner."

4. Learned counsel for the petitioner submitted that petitioner is Manager of Committee of Management of Azad Memorial Inter College, Dasna, District- Ghaziabad, a minority institution, governed with the Intermediate Education Act, 1921 and there is a land by the name of the institution bearing Gata No.1188 (area 1.8840) hectare situated at Dasna, Tehsil and District- Ghaziabad. Learned counsel for the petitioner further submits that respondent-authorities are inclined to construct a Police Chawki by force without any rights/title over the land in question.

5. Learned Additional Chief Standing Counsel has placed reliance upon the aforesaid instructions dated 11.10.2023 sent by the Office of the District Magistrate, Ghaziabad and refuted the allegations

leveled by the petitioner and submits that there is no such proposal for construction of Police Chawki over the land in question.

6. Considering the facts and circumstances of the case, we are not inclined to adjudicate the matter. Needless to say, if the petitioner is still aggrieved, he may avail the appropriate remedy as contemplated under the law.

7. With the aforesaid observations, the instant petition stands ***disposed of***.

Order Date :- 16.10.2023

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