

Court No. - 52

Case :- WRIT - C No. - 29019 of 2023

Petitioner :- Rajkishor Singh

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

Counsel for Petitioner :- Anil Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Srivastava,J.

1. Heard Sri Anil Kumar, learned counsel for petitioner and Sri Dhananjay Singh, learned Standing Counsel appearing on behalf of respondents No.1 and 2.

2. On previous occasion the instructions has been called with regard to construction/reconstruction in shape of digging up of the pond pertaining the plot No.877 measuring areas 0.219 situated at village Devgaon, Tehsil & District Hamirpur.

3. The averment made in the writ petition that under the garb of digging up of the pond carried out by the revenue authority over plot No.877 certain area of the plot No.875/1 pertains to petitioner which adjacent plot No.877 has been disturbed and it is the threat to petitioner with regard to some illegal encroachment over his land and therefore, a direction has been served to the respondents not to carry out the digging over the land of the petitioner, otherwise the area of plot No.875/1 shall be taken over under the garb of proposed digging up of pond carried out plot no. 877.

4. Sri Dhananjay Singh, learned Standing Counsel came up with the instructions, which is taken on record and the same is carrying certain statements along with the spot memo wherein the demarcation proceeding has already been conducted by the concerned revenue authorities. In presence of certain local resident of the same village to put their signatures over the spot memo prepared by concerned Revenue Inspector area Mudera, Tehsil & District Hamirpur on dated 21.10.2023, wherein it has been specifically mentioned that there is hardly any disturbance made in the area of plot No.875/1 after conducting the demarcation of plot No.877 which is recorded as pond in the revenue records. One more spot memo is also appended prepared by concerned revenue authority on dated 28.6.2023 after conducting demarcation over the request of Gram Pradhan with regard to plot No.877 measuring 0.219 hectare and the same spot memo also bears certain signatures of the villagers, at

that time also it is mentioned in the spot memo petitioner was available but he is refuse to put his signatures over the same and the same denial has been made by the petitioner at the time of preparation of spot memo dated 21.10.2023.

5. In view of the aforementioned fact and circumstances, it is crystal clear that there is hardly any encroachment over plot No.875/1 pertaining to the petitioner, if that be so the petitioner is having proper legal remedy available under the U.P. Revenue Code, 2006 for restoration of his rights, the instant writ petition is hereby **disposed of** with the observation made above.

Order Date :- 9.11.2023

Md Faisal