

Court No. - 52

Case :- WRIT - C No. - 30081 of 2023

Petitioner :- Ramesh

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

Counsel for Petitioner :- Satya Prakash Rathor, Ashish Pandey

Counsel for Respondent :- C.S.C., Achal Singh

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Satya Prakash Rathor, learned counsel for petitioner and learned Standing counsel for State respondents.

2. Present petition has been filed seeking following reliefs:

"I) Issue a writ, order or direction in the nature of certiorari quashing the impugned orders dated 31.03.2023 passed by respondent no. 2/Additional District Magistrate (Judicial), Mahoba, in case no. 902 of 2022 (Computerize case no. D202207480000902) (Ramesh vs. Bhu Prabandh Samiti (Gaon Sabha)) under Section 67(5) of U.P. Revenue Code 2006 and order dated 30.10.2021 passed by respondent no. 3/ Tehsildar, Tehsil and District Mahoba, (annexed as Annexure no. '5' '7' and to this writ petition).

II) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents direct the respondents not to interfere the peaceful possession of the petitioner in the property in dispute."

3. At the very outset, learned Standing counsel came up with specific instructions which is taken on record through which it transpired that proceedings under Section 67 of U.P. Revenue Code, 2006 has been initiated against petitioner for making encroachment over plot no. 3406 area 0.162 hectare situated at village Gyodi, Tehsil and District Mahoba which is recorded as playground in the revenue records. In the said proceedings order of eviction dated 30.10.2021 was passed against petitioner. Being aggrieved with order dated 30.10.2021 petitioner preferred appeal under Section 67(5) of U.P. Revenue Code, 2006 which was also dismissed vide impugned order dated 31.03.2023.

4. Learned counsel for petitioner submitted that petitioner has no other alternative in shape of residence except over plot no. 3406.

5. In view of the aforementioned facts and circumstances, no interference is required and no cause of action survives for petitioner to further pursue the instant petition. However,

respondent no. 4 is hereby directed to consider the case of the petitioner, since there is hardly any alternative arrangement available before the petitioner in shape of residence.

6. Writ petition stands ***disposed of*** accordingly.

Order Date :- 31.10.2023

Shaswat