

Chief Justice's Court

Case :- WRIT - C No. - 30803 of 2023

Petitioner :- Ayodhya Prasad And 2 Others

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

Counsel for Petitioner :- Anil Kumar Aditya, Sarvendra Dwivedi

Counsel for Respondent :- C.S.C.

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

Heard Shri Anil Kumar Aditya, learned counsel for the petitioners and Shri Sudhanshu Srivastava, learned Addl. Chief Standing Counsel for the State-respondent.

Considering the nature of the order that is proposed to be passed, the service of notice upon respondent No. 3 & 4 is being dispensed with.

It is contended by learned counsel for the petitioners that private respondent Nos. 3 & 4 filed a complaint against the petitioners that the petitioners have encroached upon the land of the Nagar Panchayat contained in Gata No. 590.

Learned counsel for the petitioners submits that the petitioners have purchased the Gata No. 590/4 (अ) area 0.1370 hectare and Gata No. 590/4 (ब) area 0.1370 hectare from one Kamlesh Giri and Dinesh Giri and they have not encroached upon any land. A notice is stated to have been issued by respondent No. 2 and the petitioners have filed their reply/objections to the said notice.

Learned counsel for the petitioners submits that no orders have been passed on the objections to the said notice. He submits that purpose of filing this writ petition shall stand served if directions are issued to the respondent No. 2 seized with the objection to consider and pass orders on the objections within a time frame fixed by this Court.

Shri Sudhanshu Srivastava, learned Addl. Chief Standing Counsel submits that he has no objection to the aforesaid proposition.

This Court is also of the opinion that no useful purpose would be

served by keeping the writ petition pending and ***dispose of*** the same by requiring the respondent No. 2 to consider and pass appropriate orders on the pending objections of the petitioners within a period of four weeks by reasoned and speaking order from the date of production of certified copy of the order of this Court.

For a period of five weeks from today, no coercive action shall be taken against the petitioners consequent to the impugned notice.

The State Counsel is also obliged to serve the copy of the order upon the Nagar Panchayat concerned.

Order Date :- 17.10.2023

Ravi Prakash

(Ashutosh Srivastava, J.) (Pritinker Diwaker, CJ)