

Court No. - 51

Case :- WRIT - C No. - 32186 of 2023

Petitioner :- Gaurav

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

Counsel for Petitioner :- Vijay Kumar Pandey, Navin Kumar Srivastava

Counsel for Respondent :- C.S.C., Sunil Kumar Singh

Hon'ble Chandra Kumar Rai, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State-respondents and Sunil Kumar Singh, learned counsel for the respondent-5 Gaon Sabha.
2. The instant petition has been filed for quashing the notice issued by respondent no.3 with respect to Khasra No.268 situated at village Azampur Mulsam, Tehsil Baraut, District Baghpat as well as direct the respondent No.4 not to initiate any coercive measure in pursuance of the order dated 9.01.2009 passed by Tehsildar.
3. In the writ petition, it is mentioned that an order for ejectment and damages has been passed against the petitioner's father on 9.1.2009. It is further mentioned that Civil Suit for injunction was filed on behalf of the petitioner, which was dismissed for non prosecution. It is further mentioned that authorities have issued impugned notice to the petitioner to remove the encroachment from the plot in dispute which is recorded as pond in arbitrary manner, as such, the same is liable to be quashed.
4. Shri Sunil Kumar Singh, learned counsel for Gaon Sabha and Shri Abhishek Shukla, learned Additional Chief Standing Counsel for the State submitted that order of ejectment and damages was passed on 9.01.2009 with respect to the plot which is recorded as pond in the revenue record, as such, no interference is required in the matter. They further submits that the petitioner instituted a civil suit which has been also dismissed as such the impugned notice has been rightly issued to the petitioner to remove the encroachment from the plot-in-question.
5. I have considered the averments made in the writ petition as well as the argument advanced by the learned counsel for the Gram Sabha as well as State and perused the record.
6. There is no dispute about the fact that the order of ejectment and damages has been passed by the Tehsildar on 9.01.2009 in

the proceeding under section 122-B of U.P.Z.A & L.R. Act, which has not been set aside by any court. There is also no dispute about the fact that civil suit filed at the instance of the petitioner's father has been also dismissed.

7. In view of the aforementioned facts and circumstances, no interference is required in the matter as plot in question is recorded as pond in the revenue record.

8. The writ petition is misconceived and is, accordingly, **dismissed.**

Order Date :- 11.12.2023

SFH