

Court No. - 40

Case :- WRIT - C No. - 30585 of 2023

Petitioner :- Jyoti Singh

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Dileep Kumar Pandey

Counsel for Respondent :- C.S.C

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Ms. Nand Prabha Shukla,J.

1. Heard Sri D.K. Pandey, learned counsel for the petitioner and learned Standing Counsel for the State respondent nos.1 to 5.

2. By means of present writ petition the petitioner has sought following reliefs:-

"i. a writ, order or direction in the nature of mandamus commanding and directing the respondents authorities to get vacate the residential house of the petitioner from the unauthorized trespassing of the private respondent No. 6 and 7 within stipulated period as deem fit and proper by this Hon'ble Court.

ii. a writ, order or direction in the nature of mandamus commanding and directing the respondent authorities to consider and decide the pending representations against the private respondents for their unlawful and authorized trespass over the house in question of the petitioner within stipulated period as deem fit and proper by this Hon'ble Court.

iii. Issue any other writ, order or direction, which this Hon'ble Court may deem, just and proper in the circumstances of the case."

3. Learned counsel for the petitioner states that the petitioner purchased residential plot no.168 area 0.0570 hectare and plot no.170 area 0.3420 hectare situated in Mauza Ustapur Mahmudabad Uparhar, Jhunsi, Tehsil Phoolpur, District Prayagraj from one Raj Bahadur vide registered sale deed dated 10.4.2012 and her name has been recorded in the revenue record. After execution of the sale deed, the earlier owner has also given physical possession of the land in question to the petitioner. The petitioner has also constructed residential house in the year 2022 and started residing in the said house alongwith her family. It is submitted that the husband of the petitioner is residing in Surat (Gujarat) and on account of ill health of her husband, the petitioner went to her husband place alongwith her children to take care of his husband and she had entrusted one Vinod Kumar Singh as care

taker of her house. Taking advantage of the said situation, in the mid night of 06.7.2023 the private respondent nos.6 and 7 alongwith 10-12 associates break up the lock of main gate and entered in the house. In this regard, the first information report was also lodged on 17.7.2023 registered as Case Crime No.0305 of 2023 under Sections 457, 380, 323 IPC, Police Station Jhunsi, District Prayagraj. It is alleged that the respondent nos.6 and 7, who are local bhu-mafias, trying to grab the said property. In this regard, he has also made a representation on 10.8.2023 before the Sub Divisional Magistrate, Phoolpur, District Prayagraj in the light of the aforesaid Government Order dated 1.5.2017 but till date no reprieve is accorded to the petitioner.

4. No useful purpose would be served in keeping the writ petition pending.

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the issue and with the consent, the writ petition stands ***disposed of*** with observation that in case the petitioner moves fresh representation ventilating her grievances before second respondent i.e. District Magistrate, District Prayagraj in the light of the aforesaid Government Order dated 01.05.2017 within two weeks from today, we hope and trust that the same will be considered and decided strictly in accordance with law expeditiously but certainly after giving opportunity to all the stake holders in the matter.

Order Date :- 27.10.2023

Shivani