

Court No. - 47

Case :- WRIT - C No. - 32060 of 2023

Petitioner :- Smt. Bhulura Devi

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

Counsel for Petitioner :- Santosh Kumar Mishra

Counsel for Respondent :- C.S.C.,Azad Rai,Satish Chandra Dwivedi

Hon'ble Manish Kumar Nigam,J.

1. Heard learned counsel for the parties and perused the record.

2. This writ petition has been filed for following relief:

"i) Issue a writ order or direction in the nature of mandamus directing the respondents not to construct Panchayat Bhawan in Arazi No. 504 (ऋ) having area .2880 hectares situated in Bakchunda Pargana Khera Garh, Tehsil Meja District-Allahabad which is Bhumidhari land of petitioner.

ii. Issue a writ order or directing in the nature of mandamus directing the respondent authorities to first conduct the authentic survey of Arazi No. 505 and construct the Panchayat Bhawan on Gram Sabha land."

3. Contention of learned counsel for the petitioner is that the petitioner is *Bhumidhar* of Arazi No. 504(ऋ) and is recorded as such. It has been further contended by learned counsel for the petitioner that the respondent authorities are constructing Panchayat Bhawan over the *bhumidhari* land of the petitioner.

4. Instructions were called from the State, which are being produced today by the Standing Counsel as well as by the counsel for the Gaon Sabha and they are taken on record.

5. It has been stated by learned counsel appearing for the Gaon Sabha as well as learned Standing Counsel that the construction of Panchayat Bhawan is made on Arazi No. 505 which is recorded in the name of Gaon Sabha and not in the Arazi No. 504 (ऋ). It has been further contended by learned Standing Counsel that a civil suit in this regard is also pending.

6. Since categorical stand has been taken by the counsels for the respondents that the constructions are going on Arazi No. 505 and not on Arazi No. 504 (T) belonging to the petitioner and coupled with the fact that a civil suit is also pending in the civil court, no further orders are required to be passed in the writ petition.

7. Accordingly, the petition is consigned to record.

Order Date :- 2.11.2023

Nitika Sri.

(Manish Kumar Nigam,J.)