

Court No. - 47

Case :- WRIT - C No. - 31121 of 2023

Petitioner :- Jishan Alias Pappu

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Vijay Pratap Singh

Counsel for Respondent :- C.S.C.,Kaushal Kishore Mani

Hon'ble Manish Kumar Nigam, J.

1. In compliance of order dated 10.10.2023, further instructions have been placed by the learned Standing Counsel which are taken on record.
2. Heard learned counsel for the parties and perused the record.
3. It has been submitted by learned Standing Counsel that in Khasra No. 1830 mi, there is a road and the nala is being constructed side by side of the aforesaid road by the village pradhan and not on the kabristan.
4. Per contra, learned counsel for the petitioner contended that the nala is being constructed over the land of the kabristan.
5. Since there is a factual dispute as to the place on which the nala is being constructed, the same cannot be decided by this Court in proceedings under Article 226 of Constitution of India.
6. Both the parties admit that over the khasra no. 1830 mi (minzumla number), there exists road, pond, kabristan as well as banzar. It will be appropriate that the respondents may partition the minzumla number and demarcate the land over which kabristan, road, talab and banzer exists within a period of three months from the date of certified copy of this order is produced before the respondent authorities after hearing all the concerned parties in accordance with law, provided there is no other legal impediment.
7. Till the demarcation and partition of the land in dispute, the parties are directed to maintain status quo.
8. With the aforesaid observation, the writ petition stands disposed of.

Order Date :- 27.10.2023

Ved Prakash

(Manish Kumar Nigam, J.)