

Court No. - 40

Case :- WRIT - C No. - 32663 of 2023

Petitioner :- Brijesh Kumar

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

Counsel for Petitioner :- Chandra Shekher Dwivedi, Gaurav Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Sri Chandra Shekher Dwivedi, learned counsel for the petitioner and Sri Devesh Vikram, learned Additional Chief Standing Counsel for State-respondent nos.1 to 4.

2. In view of the order proposed to be passed today, notices need not be issued to the private respondents.

3. In pith and substance, the grievance of the petitioner is that the respondent nos.5 to 7, who are involved in illegal extraction of sand, are dumping sand over the petitioner's agricultural land. In this regard, a complaint was lodged in the year 2017 by the petitioner's father and other co-sharers of the land in question before the concerned Sub Divisional Magistrate, but till date no action has been taken.

4. Learned Additional Chief Standing Counsel did not dispute the aforesaid facts and he fairly submitted that in case, petitioner moves fresh representation before the concerned Sub Divisional Magistrate, the same would be considered and decided by the concerned authority within the time as is fixed by this Court.

5. Considering the facts and circumstances, without advertent any opinion on the merits of the case, we dispose of the writ petition requiring the petitioner to file a fresh representation ventilating his grievances before the concerned Sub Divisional Magistrate within a week's time and in case, such representation is filed, the concerned Sub Divisional Magistrate shall consider and decide the same in accordance with law, as expeditiously as possible, preferably within four weeks from the date of production of a certified copy of this order, but certainly after affording opportunity to all the stakeholders in the matter.

Order Date :- 12.10.2023

Manish Himwan