

Court No. - 40

Case :- WRIT - C No. - 32635 of 2023

Petitioner :- Rupa Singh

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Rakesh Pratap Singh

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri Rakesh Pratap Singh, learned counsel for the petitioner and Sri S.C. Upadhyay, learned Standing Counsel for State-respondent nos.1 to 3.

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 there is illegal encroachment by respondent nos.4 to 8 in the ruined house of the petitioner by tying animals therein, which she has purchased vide sale deed dated 16.11.2004. In this regard, she has moved application before the concerned police station on 15.7.2023 but when no action was taken, she has moved representation dated 25.8.2023 before the Commissioner of Police, Prayagraj, which is also pending.

4. Learned 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 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 her 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