

Court No. - 40

Case :- WRIT - C No. - 33088 of 2023

Petitioner :- Baburam Yadav

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

Counsel for Petitioner :- Sanjay Kumar, Sanjay Kumar Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Sri Sanjay Kumar Yadav, learned counsel for the petitioner and Sri Devansh Rathore, learned Additional Chief Standing Counsel for State-respondent nos.1 to 6.

2. The petitioner has preferred the present writ petition inter alia seeking following reliefs:-

"1. To issue a writ, order or direction in the nature of mandamus commanding the respondents not to raise any kind of construction by way of nala on the sehan land between two houses of the petitioner of Abadi Plot No.76/1 and 76/2 of the Village Jigina, Karanpur, Tehsil-Sagdi, District-Azamgarh.

2. To issue a writ, order or direction in the nature of mandamus commanding the respondents not to dispossess the petitioner from the sehan land of Abadi Plot No.76/1 and 76/2 of the Village Jigina, Karanpur, Tehsil Sagdi, District-Azamgarh and not interfere into peaceful possession of the petitioner over the sehan land.

3. To issue a writ, order or direction in the nature of mandamus directing the respondent no.2 District Magistrate, Azamgarh to decide to the applications dated 24.08.2023 and 12.09.2023 given by petitioner within stipulated period."

3. Petitioner's grievance is that respondents may be restrained not to carry out construction of drainage on sehan land of the petitioner, which is recorded as abaadi.

4. Learned Additional Chief Standing Counsel has raised objection that the construction of drainage in any area is a policy matter and the respondents are bound to provide proper drainage system to the residents of an area.

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 move a fresh application ventilating his grievances before respondent no. 5 within a week's time, and in case, the same is filed it should be considered and decided by the fifth respondent as per law within four weeks' time from the date of filing the same along with a certified copy of this order.

Order Date :- 31.10.2023

Manish Himwan