

Court No. - 52

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2216 of 2023

Petitioner :- Ray Sahab Vishwakarma

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

Counsel for Petitioner :- Amar Nath Pandey

Counsel for Respondent :- CSC, Bhupendra Kumar Tripathi

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Amar Nath Pandey, learned counsel for petitioner and learned Standing counsel for State respondents.

2. Present petition has been filed seeking following reliefs:

"i. Issue a writ, order or direction in the nature of mandamus direction commanding the respondents authorities to not hand the possession area about 12 hectare to the respondent no. 6 after 21 years, against the Chauhaddi of allotment over the plot no. 196/0.178 hectare recorded as Navin Parti and allotted to the father of the respondent no. 6 on 30-6-2002 situated in village Narendra Pur Gram Panchayat Denua Pargana Kariyatmedha, Tehsil-Badlapur, District Jaunpur.

ii. Issue a writ, order or direction in the nature of mandamus direct the respondent no. 3 and 4 to decide the application of the petitioner dated 1-9-2023 by restraining the respondent no. 6 for taking possession to the allotted area after lapse of 21 years."

3. At the very outset, learned Standing counsel came up with specific instructions which is taken on record through which he submitted that pursuant to order dated 10.08.2023 passed by this Court in Writ Petition no. 26483 of 2023 (Khalil Ahmad vs. State of U.P and another), possession of 0.012 hectare area of plot no. 196 was handed to respondent no. 6 on dated 21.08.2023 by the revenue authorities and spot memo was prepared which was also signed by the petitioner himself at that time and as such no cause of action survives for petitioner to seek the relief which is sought through the instant P.I.L.

4. In view of the aforementioned facts and circumstances, no cause of action survives for petitioner to seek the relief as made through the instant P.I.L and the same stands ***disposed of***.

Order Date :- 28.10.2023

Shaswat