

Court No. - 40

Case :- WRIT - C No. - 33011 of 2023

Petitioner :- Anand

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

Counsel for Petitioner :- Lokesh Kumar Dwivedi, Piyush Mishra, Rajneesh Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Shri Lokesh Kumar Dwivedi, learned counsel for the petitioner and Shri Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents.

2. The petitioner has prayed for the following reliefs :-

"(i) issue a writ, order or direction in the nature of certiorari quashing the impugned notice dated 15.09.2023 issued by Assistant Engineer, Rural Engineering Department (PIU).

(ii) issue a writ, order or direction in the nature of mandamus directing the respondents not to evict petitioner nor demolish the existing construction (house) of the petitioner in Village- Mahmudawa."

3. Shri Dwivedi, learned counsel for the petitioner in support of his submissions has placed the order dated 05.10.2023 issued by Executive Engineer, PIU, Gramin Abhiyantran Vibhag, Prakhanda-Siddharth Nagar addressed to the District Magistrate, Siddharth Nagar, wherein, it is averred that the construction is carried out over the existing road and the house are not demolished.

4. Considering order dated 05.10.2023, we are not inclined to entertain the writ petition. Grievance of a person who has dwelling unit along the road side can always be addressed by the competent authority i.e. Executive Engineer, PIU. Needless to say, in case, the petitioner is still aggrieved, he may press the appropriate objection before the appropriate authority and the same may be decided expeditiously.

5. With the aforesaid leave, the writ petition stands **disposed of**.

Order Date :- 19.10.2023

Rama Kant