

Court No. - 51

Case :- WRIT - C No. - 33441 of 2023

Petitioner :- Tek Chand

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Gaurav Dwivedi

Counsel for Respondent :- C.S.C., Arun Kumar Pandey

Hon'ble Chandra Kumar Rai, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State-respondents and Mr. Arun Kumar Pandey, learned counsel for the respondent- Gaon Sabha.

2. The instant petition has been filed for the following relief:

"i. Pass a writ of mandamus or any other writ, order or direction thereby directing the respondents to comply the order dated 5.3.2005 in case no.48 of 2003 titled as Gram Samaj vs. Musaddi Singh and further direct the respondent to take physical possession of the property / plot measuring 0.068 hectare, in Khasra No.133, situated in Village Abdul Rehmanpur @ Haizarpur, Tahsil- Nagina, District- Bijnor and further direct the respondents to demolish the constructions raised by the samiti namely Dr. Bhim Rao Ambedkar evam Sant Shiromani Ravidas Samiti on the plot in question, in a time bound manner in the interest of justice and equity."

3. In the writ petition, it is mentioned that the order dated 5.3.2005 has been passed in the proceeding under Section 122B of U.P.Z.A. & L.R. Act in respect to the Khasra No.133 area 0.068 hectare and no step has been taken to enforce the order dated 5.3.2005.

4. The instant petition has been filed under Article 226 of the Constitution of India at the instance of the petitioner who is not aggrieved person in the proceeding under Section 122B of U.P.Z.A. & L.R. Act. The writ petition under Article 226 of the Constitution of India cannot be entertained for the enforcement of the order passed in the year 2005, under Section 122B of U.P.Z.A. & L.R. Act.

5. The writ petition is misconceived and ***dismissed accordingly.***

Order Date :- 16.10.2023

Rameez