

Court No. - 51

Case :- WRIT - C No. - 33701 of 2023

Petitioner :- Kunwar Sen

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Lalit Prakash,Amit Kumar Sharma

Counsel for Respondent :- C.S.C,Sher Bahadur Singh

Hon'ble Chandra Kumar Rai,J.

1.In compliance of the order of this Court dated 04.10.2023, instruction dated 21.10.2023 has been placed before this Court, which is taken on record.

2. Heard Mr. Lalit Prakash learned counsel for the petitioner, Mr. Govind Kumar Saxena, learned Additional Chief Standing Counsel for State-respondents and Sher Bahadur Singh, learned counsel for the Gaon Sabha.

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

"(i) issue a writ, order or direction in the nature of mandamus commanding and directing the respondent Nos.2 and 3 to decide the application dated 13.09.2023 of the petitioner.

(ii) issue a writ, order or direction in the nature of mandamus directing respondent No.4 not to construct water tank over the plot in question."

4. Mr. Govind Kumar Saxena, learned Additional Chief Standing Counsel for the State-respondents on the basis of the instruction dated 21.10.2023 submitted that plot No.114 area 0.177 hectare and Plot No.120/2 area 0.076 hectare, total area 0.253 hectare is recorded in the name of certain persons (Class-5 category land). He further submitted that Sub Divisional

Officer, Bareilly vide order dated 10.08.20006 expunged the name of the persons, who are recorded over the plot No.114 and 120/2. Accordingly, those persons have challenged the order expunging their entry before the court concerned. He further submitted that proposal for construction of water tank under the Government Scheme has been made in respect of plot No.110 area 0.038 hectare which is recorded as navin parti (Class-5 category land). He further submitted that there is no proposal at all for construction of water tank over plot No.114 area 0.177 hectare and plot No.120/2 area 0.076 hectare as such, no interference is required in the matter.

5. Learned Counsel for the petitioner submitted that petitioner has no objection, if authorities are not construing water tank over plot Nos. 114 and 120/2.

6. In view of the aforementioned facts mentioned in the instruction, no further cause of action survives in the matter.

The writ petition is accordingly disposed of.

7. Learned Additional Chief Standing Counsel for the State-respondents shall serve copy of the instruction upon learned counsel for the petitioner during course of the day.

Order Date :- 1.11.2023

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