

Court No. - 47

Case :- WRIT - C No. - 34004 of 2023

Petitioner :- Kashi Nath Singh

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

Counsel for Petitioner :- Upendra Kumar Dubey

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the parties and perused the record.

2. The instant petition has been filed seeking following main relief :-

"i) Issue a writ, order or direction in the nature of mandamus commanding the respondent Nos. 2, 3 and 4 to restrain the respondent No.5 to make chakmarg over the land of the petitioner i.e. Arazi No.34 situated in Mauza Thunhi, Police Station Chandwak, Tehsil Kerakat, District Jaunpur and further direct the respondent Nos. 2 to 4 to remove the illegal encroachments made over the public way situated over Arazi No.49.

ii) Issue a writ, order or direction in the nature of mandamus commanding the respondent Nos. 2 and 3 to decide the representation on dated 13.2.23 made by the petitioner within time bound period, which may be fixed by this Hon'ble Court."

3. By order dated 4.10.2023, learned Standing Counsel was granted time to obtain instructions. Today, learned Standing Counsel has produced the instructions before the Court and the same is taken on record.

3. As per the instructions, learned Standing Counsel stated that Gata No.49 area 0.073 Hectare is the land of charkmarg whereas Gata No.34 is Bhoomidhari of the petitioner and the chakmarg is being constructed over Gata No.49 and on the bhoomidhari land of the petitioner neither there is any charkmarg nor any chakmarg is being constructed.

4. In view of this fact, no further orders are required to be passed in the writ petition.

5. Accordingly, the writ petition is **dismissed** and consigned to records. However, in case, petitioner is still aggrieved, he may approach the competent authority by moving an application for demarcation of his land under the relevant provisions of U.P. Revenue Code, 2006.

Order Date :- 16.10.2023

Rishabh

[Manish Kumar Nigam, J.]