

**Court No. - 51**

**Case :-** WRIT - C No. - 34739 of 2023

**Petitioner :-** Hamid Ali

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

**Counsel for Petitioner :-** Neeraj Srivastava

**Counsel for Respondent :-** C.S.C., Krishna Kant Singh

**Hon'ble Chandra Kumar Rai, J.**

1. Heard Mr. Neeraj Srivastava, learned counsel for the petitioner, Mr. Mridul Kumar, learned Standing Counsel for the State-respondents and Mr. Krishna Kant Singh, learned counsel for the respondent- Gram Sabha.

2. In compliance of the order of this Court dated 3.11.2023 / 23.11.2023, instruction dated 8.12.2023 is placed before the Court, which is taken on record.

3. Mr. Mridul Kumar, learned Standing Counsel on the basis of instruction dated 8.12.2023 submitted that the plot no.337 area 0.061 hectare is recorded as Khalian in the revenue records. He further submitted that the revenue team constituted has made the spot inspection and found that plot no.337 area 0.061 hectare {Class 6 (4) category land} (Khalian) is vacant on spot and no construction work is going on over the same. He further submitted that plot no.336 and 338 belongs to petitioner who is ex-gram pradhan of the gram sabha in question. He further submitted that the petitioner wants to encroach the plot no.337 as the same is situated between the bhumidhari plot of the petitioner. He next submitted that the authorities have been directed not to make any construction over the plot no.337 area 0.061 hectare.

4. Learned counsel for the petitioner submitted that the petitioner is not encroaching the plot no.337 area 0.061 hectare, which is recorded as Khalian in the revenue records. He further submitted that the petitioner has prayed that nature of Khalian land should not be changed and garbage dumping yard should not be constructed over Khalian land rather plot no.202 is vacant, which is recorded as navin parti, as such, the garbage dumping yard can be constructed over the plot no.212.

5. I have considered the argument advanced by learned counsel for the parties and perused the records.

6. Since the authorities are not raising any construction over the Khalian land as mentioned in the instruction dated 8.12.2023 sent by the Sub-Divisional Officer, Kasganj, as such, the instant writ petition is finally ***disposed of*** with observation that there should be no interference with the plot no.337 area 0.061 hectare which is recorded as Khalian in the revenue records either by the petitioner or by the state-authorities in any manner.

7. Mr. Mridul Kumar, learned Standing Counsel for the State-respondents shall serve the copy of the instruction dated 8.12.2023 upon learned counsel for the petitioner during course of the day.

**Order Date :- 12.12.2023**

Rameez