

Court No. - 46

Case :- WRIT - C No. - 35543 of 2023

Petitioner :- Sharwan Verma

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Kaushal Kishore Mani Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

1. Petitioner is aggrieved by a notice issued by Nagar Panchayat, Partawal, District-Maharajganj dated 19.9.2023, which records that the petitioner has encroached upon land of pond and despite notices issued, the petitioner has not removed the encroachment.

2. It is submitted that in respect of the land in question, steps were taken under Section 122 (b) of UP Zamindari Abolition and Land Reforms Act, 1950, for eviction and such proceedings were dropped. It is also submitted that a suit has also been filed, which is pending.

3. Petition is opposed by Shri Ashok Kumar Tiwari, learned counsel appearing for the Nagar Panchayat, Partawal.

4. In the facts of the case, various factual issues raised by the petitioner would require determination at the level of Nagar Panchayat, Partawal, at the first instance. Contention of the petitioner or the submissions advanced by the respondents that notices have been issued to the petitioner and demarcation has already been made are aspects to be examined at the level of respondent No.2, at the first instance.

5. In that view of the matter, we dispose of this petition by permitting the petitioner to represent against the impugned notice/order dated 19.9.2023 within a period of two weeks from today. The objection so raised by the petitioner shall be dealt with by the second respondent by passing a reasoned order within a further period of four weeks thereafter.

6. In the event, representation in terms of the aforesaid liberty is submitted, the authorities shall ensure that no coercive action is taken against the petitioner till disposal of his representation. Petitioner also shall not raise any fresh constructions till then.

Order Date :- 13.10.2023/LN Tripathi