

Court No. - 46

Case :- WRIT - C No. - 34883 of 2023

Petitioner :- Sadab Ahamad

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

Counsel for Petitioner :- P.K. Singh, Alka Srivastava, Vijay Kumar Mishra, Zafar Ali

Counsel for Respondent :- C.S.C, Akhilesh Kumar Singh, Arjun Prasad Yadav, Pawan Kumar Singh

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

Petitioner claims to be the owner of 168 square meters land situated on plot no.524, Mauja Kasari Masari, Pargana and Tehsil Prayagraj. The adjoining plot no.525 appears to have been acquired by the development authority. Grievance of the petitioner is that the development authority is illegally trying to interfere with the petitioner's possession over plot no.524 of which the petitioner is the lawful owner. Prayer has been made to command the respondents to reinstate the petitioner over the land in question. An alternative prayer has been made to command the respondents to decide petitioner's representation.

Sri A.P. Paul and Sri Arjun Prasad Yadav have appeared for the development authority whereas State authorities are represented by learned Standing counsel. Sri Akhilesh Kumar Singh has appeared for Nagar Nigam, Prayagraj.

Having heard learned counsel for the parties, we find that there is an issue with regard to demarcation of plot no.524 viz-a-viz plot no.525 of Mauja Kasari Masari. Such dispute of demarcation can either be resolved by revenue authorities or else it would be the competent civil court to rule on the issue. A writ petition would not be the appropriate remedy for such purposes.

In the facts of the case, we permit the petitioner to approach the competent revenue authority having jurisdiction to undertake demarcation of the plot in question. In the event, approach is made to the second respondent, he shall constitute a team of revenue officers to identify and demarcate plot no.524 viz-a-viz plot no.525 within a period of three months from the date of presentation of a certified copy of this order. Any person aggrieved by such order

shall have the liberty to seek appropriate relief before the competent civil court.

Writ petition, accordingly, stands disposed of.

Order Date :- 28.11.2023

RA