

Court No. - 40

Case :- WRIT - C No. - 34813 of 2023

Petitioner :- Ram Sumer

Respondent :- State Of Up And 5 Others

Counsel for Petitioner :- Sachin Mishra, Anshu Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner and learned Additional Chief Standing Counsel for the State respondents.

2. No notice is required to be sent to respondent Nos.5 and 6.

3. Learned counsel for the petitioner states that without any rightful claim, the private respondent Nos.5 and 6 are interfering in peaceful possession of the petitioner and obstructing in ongoing construction, which is being carried out over the petitioner's holding as there is no other legal impediment. He submits that the petitioner has already moved representations dated 17.05.2023 and 28.07.2023 before respondent No.2 for redressal of his grievance but the same have not yet been decided.

4. Learned counsel for the petitioner has confined his prayer that representations dated 17.05.2023 and 28.07.2023 may be decided by respondent No.2 - Sub Divisional Magistrate/ Settlement Officer Consolidation, District Sant Kabir Nagar.

5. Learned Additional Chief Standing counsel states that in case the said representations have not yet been decided, the same would be decided as per law.

6. Considering the facts and circumstances of the case, we are not inclined to keep the writ petition pending consideration and call for a counter affidavit.

7. Therefore, without advertent on the merits of the case, with the consent of parties, this writ petition is **disposed of** finally with a direction to the second respondent i.e. Sub Divisional Magistrate/ Settlement Officer Consolidation, District Sant Kabir Nagar to consider the representations of petitioner and pass appropriate order, strictly in accordance with law, within six weeks from the date of production of a certified copy of this order, but certainly after giving audience to all the stake holders in the matter.

Order Date :- 24.11.2023

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