

Court No. - 52

Case :- WRIT - C No. - 35834 of 2023

Petitioner :- Shailendra Sharma

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Chandra Prakash Misra,Prakash Sharma

Counsel for Respondent :- CSC,Sudhir Bharti

Hon'ble Saurabh Srivastava,J.

1. Heard Shri Prakash Sharma, learned counsel for the petitioner and Shri Dhananjay Singh, learned standing counsel for the State respondents.

2. The instant writ petition has been filed with the following prayer:-

I. Issue a writ, order or direction in the nature of mandamus directing the respondent no.3, Tehsildar Tehsil Padrauna, District Kushinagar to decide the case no.3993 of 2021, Computerized Case No. T202105440103995 (Gaon Sabha vs. Mahibullah), Case no.3996 of 2021, Computerized case no. T202105440103996 (Gaon Sabha vs. Majeet), Case no.3994 of 2021, Computerized case no. T202105440103994 (Gaon Sabha vs. Gulab) under Section 67, U.P. Revenue Code, 2006, as expeditiously as possible preferably within a stipulated period.

3. The present petition has been instituted for seeking expeditious disposal of case pending under Section 67 of U.P. Revenue Code, 2006 before respondent no.3. On a precise query made before learned counsel for the petitioner that what is the locus of the petitioner to file the present petition, he replied that he is a complainant.

4. Learned standing counsel for the State respondents vehemently opposed the prayer as made in the instant petition.

5. In view of the aforementioned facts and circumstances, being complainant petitioner has no locus to seek expeditious disposal of the case since the duty of petitioner being vigilant resident of the village in question has come to an end only after

informing the authorities about the alleged encroachment made over the land in dispute, which is stated to be banjar land and as such no cause of action survives in favour of the petitioner to pursue the instant petition and the same stands **dismissed** accordingly.

Order Date :- 16.10.2023

Rakesh