

Court No. - 40

Case :- WRIT - C No. - 35849 of 2023

Petitioner :- Rajesh Kumar

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Kamal Singh Yadav, Naveen Kumar Yadav

Counsel for Respondent :- C.S.C., Narendra Pratap Singh

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Shri Kamal Singh Yadav, learned counsel for the petitioner, Shri Narendra Pratap Singh, learned counsel appearing for the respondent no. 5 and Ms. Subhra Singh, learned Standing Counsel for the State-respondents.

2. The present writ petition is preferred for the following reliefs :-

"(i) issue a writ, order or direction in the nature of mandamus directing the respondents not to interfere without any stay order of any competent court for constructing the construction over Aarazi in dispute bearing its no. 287.9 sq. meter situated in territory of Nagar Palika Parishad Mauranipur, Jhansi, Uttar Pradesh.

(ii) issue a writ, order or direction in the nature of mandamus directing the respondent nos. 2 and 3 to decide the representation/complaint dated 26.09.2023 submitted by the petitioner."

3. The petitioner claims title over Aarazi No. 792, area 287.9 sq. meter through a registered sale deed which was registered on 01.03.2021. After the demarcation, he had moved an application to the Nagar Palika Parishad Mauranipur, District- Jhansi for according permission to raise construction. It is claimed that the map is also sanctioned by the prescribed authority. It is complained to us that the State-respondents are interfering on the spot while raising construction.

4. Considering the facts and circumstances, we are not inclined to keep the matter pending consideration as the petitioner is confined his prayer that the representation which is already made to the District Magistrate, District- Jhansi, may be decided on merits.

5. Accordingly, the writ petition is **disposed of** asking the District Magistrate, District- Jhansi to consider and decide the representation of the petitioner by passing a reasoned and speaking order in accordance with law expeditiously, preferably, within three weeks from the date of receipt of certified copy of this order, but certainly, after taking necessary comments to all the stakeholders in the matter.

Order Date :- 30.11.2023

Rama Kant