

Court No. - 40

Case :- WRIT - C No. - 36005 of 2023

Petitioner :- Abhishek Kushwaha

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

Counsel for Petitioner :- Sudhakar Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Shri Sudhakar Shukla, learned counsel for the petitioner, Ms. Uttara Bahuguna, learned Additional Chief Standing Counsel for the State-respondents.

2. By means of the present writ petition, the petitioner has prayed for a writ, order or direction in the nature of mandamus commanding the respondent nos. 2 and 3 to consider the application of the petitioner dated 09.11.2022 and take necessary action for removal of adverse possession made by the private respondents over the land of the petitioner bearing Plot No. 415-M, area 0.3870 hectare, situated in Village- Vinayakpur, Pargana and Tehsil- Kanpur Nagar, District- Kanpur Nagar.

3. In pith and substance, the petitioner is asking that his representation/application dated 09.11.2022 for redressal of his grievance may be decided expeditiously because his neighbours are victimising and unnecessarily harassing the petitioner by putting the garbage at the doorstep of the petitioner's land.

4. Learned Additional Chief Standing Counsel very fairly submits that, in case, any such representation is pending, the same would be decided by the concerned authority.

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the issue and with the consent of counsel for the parties, the writ petition stands disposed of asking the third respondent- Sub-Divisional Magistrate, Tehsil-Sadar, District- Kanpur Nagar to look into, examine and redress the grievance of the petitioner strictly in accordance with law expeditiously, preferably, within three weeks from the date of receipt of certified copy of this order, but certainly after giving opportunity to all the stakeholders in the matter.

Order Date :- 17.10.2023

Rama Kant