

Court No. - 52

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2372 of 2023

Petitioner :- Rakesh Mishra

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

Counsel for Petitioner :- Deepak Kumar Tripathi

Counsel for Respondent :- C.S.C., Pankaj Kumar Gupta

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Deepak Kumar Tripathi, learned counsel for the petitioner and Sri Rajesh Kumar Tiwari, learned Additional Chief Standing Counsel appearing on behalf of respondent nos. 1 to 4 as well as Sri Pankaj Kumar Gupta, learned counsel for respondent no. 5.

2. Present petition has been filed seeking a direction in the nature of mandamus to be issued in favour of the respondents to remove the illegal construction of water tank made by respondent no.5 over aراضي no.172 which is recorded as khalihan in the revenue record, situated at Village Raksa, Tehsil Mehdawal, District Sant Kabir Nagar.

3. Today when the matter has been taken up, learned Additional Chief Standing Counsel came up with the specific instructions which is taken on record through which it has been transpired that the aforesaid plot no.172 was recorded as banjar in the fasli year 1359 and the same was also recorded as banjar in CH Form 41 and 45. Over the application preferred by one Shobhnath, vide order dated 30.04.2000, the said land was recorded as khalihan. Over the restoration application preferred for seeking recall of the order dated 30.04.2000, the said order was recalled vide order dated 21.10.2023 passed by Sub Divisional Magistrate, Mehdawal. After recall of the order dated 30.04.2000, the said land has already been recorded a banjar again and construction of water tank over the same land has been started.

4. In view thereof, there is hardly any cause of action arises in favour of the petitioner to pursue the instant petition.

5. Accordingly, the present petition stands **disposed of**.

Order Date :- 4.12.2023/Vivek Kr.