

Court No. - 40

Case :- WRIT - C No. - 35528 of 2023

Petitioner :- Ashwani Prakash Yadav

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Saurabh Raj Srivastava

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 Shri R.M. Upadhyay, learned Additional Chief Standing Counsel for the State respondents.
2. Present writ petition is preferred assailing the validity of Show Cause Notice dated 13.09.2023 issued by Sub Divisional Magistrate, Pandit Deen Dayal Upadhyay Nagar, Chandauli, whereby, the petitioner was asked to show cause as to why he may not be treated as Bhu-Mafia and proceeding be initiated against him.
3. At the very outset, learned Additional Chief Standing Counsel raised objection qua maintainability of the writ petition on two folds. Firstly, the present writ petition is preferred without adhering the proper remedy, as at no point of time, the petitioner has responded to the said show cause notice. He also submits that highly disputed facts are being pressed in the writ petition, which cannot be adjudicated under Article 226 of the Constitution of India and as such, this Court may not interfere in the matter.
4. Confronted with this situation, learned counsel for the petitioner states that leave may be accorded to file detailed objection to the show cause notice and the proceeding must be finalized expeditiously.
5. Considering the facts and circumstances, no useful purpose would be served in keeping the writ petition pending consideration. The writ petition is ***disposed of*** with direction that in case petitioner files an objection to the said show cause notice within ten days, the Sub Divisional Magistrate concerned must finalise the proceeding in accordance with law in further four weeks period.

Order Date :- 13.10.2023

A. Pandey