

Court No. - 40

Case :- WRIT - C No. - 37450 of 2023

Petitioner :- Smt. Mithilesh Kumari

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Rupesh Kumar Singh, Gulab Chandra

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Ram Manohar Narayan Mishra, J.

Heard learned counsel for the petitioner and the learned standing counsel for the State.

The petitioner has filed the present petition with following prayer:-

"i. issue a writ, order or direction in the nature of writ of Mandamus commanding to the respondent Chairman/District Magistrate, Kasganj to proceed with the appropriate prescribed legal action against the private respondents (land grabber) pursuant to U.P. State Government Order dated 1.5.2017 to remove the illegal and unauthorized encroachment and occupation from the house of petitioner situated in Gali No.5, Mohalla Nawab Pipal Wali Gali, Ashok Nagar, Police Station Kotwali Kashganj, Tahsil Kashganj, District Kashganj, within reasonable time fixed by this Hon'ble Court in the interest of justice and to allow the writ petition with costs."

In this regard our attention was drawn towards a Government Order dated 1.5.2017, wherein, the State Government acknowledging the menace of land grabbing issued various directives to the authorities concerned to take appropriate action in the event of any complaint pertaining to land grabbing.

In view of the said Government Order dated 1.5.2017, we deem it proper to direct that the petitioner should move an application before the respondent no.2 within a period of two weeks along with certified copy of this order and the District Magistrate is directed to take appropriate action in terms of the Government Order dated 1.5.2017 and in accordance with law within a period of two months from the date of production of certified copy of this order.

We have not expressed our opinion on merits of the matter and the respondent no.2 is required to take the action independently and in accordance with law without being influenced with the observation made in this order.

The writ petition is disposed off in terms of the above mentioned directions.

Order Date :- 8.12.2023/Kamarjahan