

Court No. - 40

Case :- WRIT - C No. - 37552 of 2023

Petitioner :- Mohkam Singh And 3 Others

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Ajay Kumar Sharma

Counsel for Respondent :- C.S.C

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri Ajay Kumar Sharma, learned counsel for the petitioners and Sri Devesh Vikram, learned Additional Chief Standing Counsel for State-respondents.
2. In view of the order proposed to be passed today, notices need not be issued to the private respondents.
3. In pith and substance, the grievance of the petitioners is that the respondent nos.5 and 6, in collusion with local police are restraining the petitioners from utilizing their land of Khasra Nos.227M/3 and 228/2, village Khana Alampura, Tehsil and District Saharanpur. The aforesaid respondents are also restraining the petitioners from making any construction over the land in question. In this regard, a complaint was lodged by the petitioners before Senior Superintendent of Police, Saharanpur, but till date no action has been taken.
4. Learned Additional Chief Standing Counsel did not dispute the aforesaid facts and he fairly submitted that in case, petitioner moves fresh representation before the concerned Sub Divisional Magistrate, the same would be considered and decided by the concerned authority within the time as is fixed by this Court.
5. Considering the facts and circumstances, without advertng any opinion on the merits of the case, we dispose of the writ petition requiring the petitioners to file a fresh representation ventilating their grievances before the concerned Sub Divisional Magistrate, Saharanpur within a week's time and in case, such representation is filed, the concerned Sub Divisional Magistrate shall consider and decide the same in accordance with law, as expeditiously as possible, preferably within four weeks from the date of production of a certified copy of this order, but certainly after affording opportunity to all the stakeholders in the matter.

Order Date :- 1.11.2023

Manish Himwan