

Court No. - 40

Case :- WRIT - C No. - 36614 of 2023

Petitioner :- Shriganesh Dwivedi

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

Counsel for Petitioner :- Birendra Singh, Swati Singh

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Ms. Nand Prabha Shukla, J.

1. Heard Shri Birendra Singh, learned counsel for the petitioner and Shri Sharad Chandra Upadhyay, learned Standing Counsel for State respondents.

2. Present writ petition has been preferred for following relief:-

"1. Issue a writ, order or direction in the nature of mandamus directing and commanding the respondent no.2, 3, 4, 5 and 6 to hand over the vacant and peaceful possession of bhumidhari plot no.705 situated in Village Chhibaon Post Khurhand Tehsil Atarra, District Banda to the petitioner by removing all illegal encroachment/ articles within such stipulated time which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

3. It is contended that the petitioner is owner of bhumidhari plot no.705 at Village Chhibaon Post Khurhand, Tehsil Atarra, District Banda. It is alleged that the local police chowki, which is situated over Plot No. 706 has encroached upon certain portion of the land of the petitioner. Aggrieved with the same, the petitioner had preferred Writ-C No.21114 of 2021 (Shriganesh Dwivedi v. State of U.P. & Ors.), which was disposed of on 20.9.2021 asking the concerned Sub District Magistrate to get demarcation of plot no.705. It is contended that pursuant to the said direction the demarcation of Gata No.705 was done and report was submitted. On the basis of said report, the concerned Sub Divisional Magistrate directed for removal of illegal encroachment/ occupation. It is alleged that inspite of said direction, till date the grievance of the petitioner has not been redressed.

4. Considering the facts and circumstances of the case, without advertng on merits of the issue, the writ petition stands **disposed of** asking the concerned District Magistrate to look into the grievance of the petitioner and take all remedial measures expeditiously and preferably within six weeks from the date of production of certified copy of this order but certainly after giving opportunity to all the stake holders in the matter.

Order Date :- 26.10.2023

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