

Court No. - 52

Case :- WRIT - C No. - 36292 of 2023

Petitioner :- Hardayal

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Rajesh Verma

Counsel for Respondent :- C.S.C.,Avinash Chandra Srivastava

Hon'ble Saurabh Srivastava,J.

1. Heard Sri Rajesh Verma, learned counsel for petitioner and Sri Rajkumar Singh, learned Standing Counsel for the State-respondents as well as Sri Avinash Chandra Srivastava, learned counsel for Gram Sabha.

2. The present petition has been preferred for seeking quashing of the resolution dated 07.08.2023 passed by respondent no.4. i.e. Gram Sabha.

3. It is the case of the petitioner that he has been extended residential lease way back in the year 1969 and again a proposal has been made by the Land Management Committee on 07.08.2023 for construction of Community Health Centre against the same plot which was allotted to the petitioner, whereupon family of the petitioner is already residing under the capacity of lease holder which was extended in the year 1969 itself. Being aggrieved with the proposal made by the Land Management Committee, the same has been put under challenge by way of filing the instant petition.

4. Learned Standing Counsel as well as learned counsel appearing on behalf of Gram Sabha vehemently opposed the prayer as made in the petition and also rebutted the stand taken up by learned counsel for petitioner on the ground that after proposal, no allocation can be determined by the revenue authority unless and until the same has not been approved the competent authority i.e. Sub Divisional Officer of the concerned Tehsil and in the instant matter, no approval has been appended along with the petition over the proposal passed by the Land Management Committee.

5. On precise query made before learned counsel for petitioner whether any approval has been made by the competent authority, Sri Rajesh Verma, learned counsel for the petitioner fairly

conceded that the same is not in his knowledge and the same has also not been apprised to him by the petitioner.

6. In view of the legal question as raised by learned counsel for respondents with regard to the approval of the proposal made by the Land Management Committee for allocation of the plot in question for construction of Community Health Centre, there is hardly any cause of action arises in favour of the petitioner to pursue the proposal itself by way of challenging the same through the instant petition once the same has not been finalized in shape of approval granted by the Sub Divisional Officer concerned.

7. In view of the aforesaid facts and circumstances, the present petition is premature to be considered by this Court at this juncture and the same is hereby **dismissed** as premature.

Order Date :- 30.10.2023

Vivek Kr.