

Court No. - 40

Case :- WRIT - C No. - 36374 of 2023

Petitioner :- Akhilesh Narayan Dwivedi

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

Counsel for Petitioner :- Arun Kumar Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Ram Manohar Narayan Mishra,J.

1. The matter was entertained instead by coordinate bench asking the learned standing counsel to seek instructions in the matter. In spite of sufficient opportunity, till date no instruction has been placed on record. Therefore, we have proceeded to examine the record on merit.

2. Heard Sri Arun Kumar Tiwari, learned counsel for the petitioner and learned standing counsel for the State-respondents.

3. The petitioner has preferred the present writ petition for a direction commanding the respondent - authority to provide another similar plot in place of the plot which was allotted to the petitioner in the year 1997-98.

4. Learned counsel for the petitioner states that in response to the allotment letter, admittedly entire amount has been deposited by the petitioner way back on 16.12.1997 but in spite of repeated request, till date, the respondent - authority has neither accorded the possession of the allotted plot nor returned the money. In support of his submission, he has also placed reliance on the communication dated 21.12.2001, which shows that on account of litigation over the property in question, the State could not hand over the possession to the petitioner. He submits that it is not in dispute that in lieu of the allotment, the entire land has not been deposited by the petitioner. Therefore, it is pressed that the respondents may be directed either to hand over the possession of the allotted plot or return the money alongwith interest in terms of the allotment letter.

5. Considering the facts and circumstances of the case, as the amount in question has not been disputed in lieu of the allotment in question, therefore, the grievance of the petitioner has to be redressed by the competent authority, i.e. District Magistrate, Kanpur Nagar. Accordingly, the writ petition stands **disposed of** directing the District Magistrate, Kanpur Nagar to redress the grievance of the petitioner in accordance with law expeditiously, preferably within three months from the date of presentation of a certified copy of this order.

Order Date :- 8.12.2023

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