

Court No. - 80

Case :- CRIMINAL MISC. WRIT PETITION No. - 16263 of 2023

Petitioner :- Hari Singh

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

Counsel for Petitioner :- Ken Singh

Counsel for Respondent :- G.A.

Hon'ble Subhash Chandra Sharma,J.

Heard learned counsel for the petitioner as well as learned A.G.A. for the State and perused the record.

The present writ petition under Article 226 of the Constitution of India has been moved with prayer to issue an ad interim mandamus directing the revenue authorities and police authorities to remove the illegal encroachment made by the respondent no.4 over the plot of the petitioner bearing khasra no.202, area 172.55 square meter in pursuance of the order dated 17.01.2018 passed by Sub Divisional Magistrate, Tehsil Etmadpur, District Agra in Case No.4145 of 2016 Computerized Case No.T020160118034145 (Hari Singh vs. Om Prakash) under Section 145 Cr.P.C., Police Station Etmadpur, District Agra and also prays to direct the respondent authorities to comply the order dated 17.01.2018 passed by Sub Divisional Magistrate Tehsil Etmadpur, District Agra.

It is submitted by learned counsel for the petitioner that in this case an order was passed by learned S.D.M. on 17.01.2018 u/s 145 Cr.P.C. against which revision no.105 of 2018 was filed by the opposite party before the learned revisional court which was dismissed by order dated 04.10.2018 against which writ petition was filed before this Court under Article 227 of the Constitution of India bearing petition no.8788 of 2018 as a result the order passed by learned S.D.M. on 17.01.2018 became final. The petitioner moved an application before the learned court of S.D.M. for compliance of the order but till now it has not been done. Therefore, direction be given to the learned S.D.M. to get the order dated 17.01.2018 complied with.

Learned A.G.A. has no objection in this regard.

Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the orders passed by learned S.D.M. alongwith the learned revisional court as well as by this Court in the aforesaid writ petition, it is expedient to direct the petitioner to move an application before the learned court of S.D.M. within a period of **15 days** from today with certified copy of this order with his prayer which shall be decided by it within a period of **60 days** in accordance with law, if there is no legal impediment.

Accordingly, this writ petition is finally ***disposed of*** with the above direction.

Order Date :- 16.10.2023

Ashok Gupta