

Court No. - 32

Case :- WRIT - C No. - 36503 of 2023

Petitioner :- Jeetan Gond

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Dhananjay Kumar Patel, Rituraj Singh

Counsel for Respondent :- CSC, Rameshwar Prasad Shukla

Hon'ble Salil Kumar Rai, J.

Hon'ble Surendra Singh-I, J.

1. The case of the petitioner in the present petition is that he was allotted a housing lease on Plot No. 1188 situated in Village Sukhpura, Pargana Kharid, Tehsil Basdih, District Ballia and the area allotted to the petitioner is being encroached over by respondent no. 6. It has been stated in the petition that the petitioner has filed an application for demarcation of the said plot. The application has been annexed at page no. 37 of the writ petition.

2. A perusal of the application shows that in the said application, it has been asserted by the petitioner that the housing lease was allotted in favour of the wife of the petitioner and an area has been encroached over by Raju Gond, whose wife has been impleaded as respondent no. 7 in the present petition.

3. The grievance of the petitioner in the present petition is that no decision is being taken by the Sub-Divisional Magistrate on the aforesaid application filed by the petitioner. The petition has been filed praying for a mandamus commanding the Sub-Divisional Magistrate to decide the aforesaid application filed by the petitioner and take appropriate action in accordance with law regarding rights of the petitioner.

4. Apparently, the averments in the writ petition are inconsistent with the contents of the application annexed at page no. 37. In view of the aforesaid, no mandamus can be issued to the Sub-Divisional Magistrate to decide an application which does not support the contention of the petitioner made in the writ petition.

5. The writ petition is dismissed.

Order Date :- 31.10.2023

Pratima