

Court No. - 40

Case :- WRIT - C No. - 37056 of 2023

Petitioner :- Amar Singh

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Gaurav Sisodia

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Ms. Nand Prabha Shukla,J.

1. Heard Sri Gaurav Sisodia, learned counsel for the petitioner and Sri Ambrish Shukla, learned Additional Chief Standing Counsel for the State respondents.

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

"(i) A writ, order or direction in the nature of Mandamus commanding the respondent no. 2 to take immediate action on the complaint no. 40015023030669 of the petitioner filed by him in Sampurna Samadhan Divas, which is pending before the respondent no. 2 since 02.09.2023.

(ii) A writ, order or direction in the nature of Mandamus directing the respondents to remove the illegal tents of the kalabaj (nat) from the land of the petitioner being gata no. 629 area 0.0.1230 hectare situated at village-Sitarganj, Tehsil-Daridpur, District Bareilly."

3. Learned counsel for the petitioner states that the petitioner has made a complaint to the District Magistrate regarding illegal encroachment over his holding. The same has been entertained by the District Magistrate and, on the application dated 02.09.2023, the District Magistrate directed the Sub-Divisional Magistrate, Tehsil Faridpur, District Bareilly to submit a report.

4. In this backdrop, learned counsel for the petitioner submits that earlier the concerned police station has already submitted report on 23.8.2023. The petitioner is confined his prayer. Once the cognizance is taken by the District Magistrate on the

representation of the petitioner but till date no remedial measures have been taken. He also submits that the representation may be decided on merit.

5. Considering the facts and circumstances of the case, we are not inclined to adjudicate the matter as the same pertains to the disputed fact but once the District Magistrate has taken cognizance and directed to the concerned Sub-Divisional Magistrate to redress the grievance of the petitioner, the complaint of the petitioner must be finalized to its logical conclusion.

With these observations, the writ petition is disposed of.

Order Date :- 28.10.2023

Puspendra