

Court No. - 40

Case :- WRIT - C No. - 36629 of 2023

Petitioner :- Smt. Jyotsana

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

Counsel for Petitioner :- Chandra Shekher Singh

Counsel for Respondent :- C.S.C., Mritunjay Mohan Sahai

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner; Shri R.M. Upadhyay, learned Additional Chief Standing Counsel and Shri M.M. Sahai, learned counsel for U.P. State Road Transport Corporation (in short the 'UPSRTC').

2. The petitioner has invoked the writ jurisdiction on the ground that even though the notice had been given to the 17 encroaches but instead of carrying out demolition of all the shops, the respondents had adopted pick and choose policy. He submits that direction may be issued to the District Magistrate, Gorakhpur-respondent no.6 to hold an inquiry in the matter.

3. The said prayer is resisted by learned Additional Chief Standing Counsel and Shri M.M. Sahai, learned counsel for U.P. State Road Transport Corporation on the ground that the land in question admittedly belongs to the U.P. State Road Transport Corporation and after the notice against the encroachers, the demolition had been carried out.

4. Nothing has been brought on record to indicate that the petitioners, at any point of time, claimed her right or title over the property in question, therefore, the relief is misconceived. In case, the petitioner is aggrieved, he can invoke the remedy as available in law. Once disputed facts have been raised before us, in absence of any valid title, we are not inclined to accord any relief. However, it is always open for the petitioner to invoke the remedy as available in law.

5. With these observations, the writ petition is ***disposed of***.

Order Date :- 5.12.2023

A. Pandey