

Court No. - 32

Case :- WRIT - C No. - 36690 of 2023

Petitioner :- Ashish Kumar Gupta

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Shri Krishna Mishra, Ajay Mishra

Counsel for Respondent :- C.S.C., Manvendra Nath Singh

Hon'ble Salil Kumar Rai, J.

Hon'ble Surendra Singh-I, J.

In response to the previous order passed by this Court, Sri Manvendra Nath Singh, Advocate representing the Nagar Panchayat Bidhuna, District Auraiya has obtained instructions in the matter and on the basis of his instructions, states that the map for construction of the house of the petitioner over the disputed plot has not yet been sanctioned by the Nagar Panchayat.

However, the claim of the petitioner in the present petition is that respondent no. 4, i.e., the Station House Officer, Police Station Bidhuna, District Auraiya is interfering in the construction of boundary wall by the petitioner over the disputed plot in collusion with the respondent nos. 6 to 8 who had executed a sale deed in favour of the petitioner and were the erstwhile owner of the disputed plot.

It is settled that the police force does not have the power to interfere in the private disputes of the parties without any orders from any court.

However, the grievance of the petitioner can be considered by the Superintendent of Police, Auraiya, District Auraiya and, therefore, it would serve no purpose to keep the writ petition pending.

The writ petition is ***disposed of*** with a direction to the Superintendent of Police, Auraiya, District Auraiya that in case, the petitioner makes a representation before the Superintendent of Police, Auraiya, District Auraiya within one month from today, the same shall be decided by the Superintendent of Police, Auraiya, District Auraiya and shall ensure that the subordinate police force acts within its jurisdiction and in accordance with law.

Order Date :- 6.11.2023

Satyam